

(2) to create a collection of the recordings obtained (including a catalog and index) which will be available for public use through the National Digital Library of the Library of Congress and such other methods as the Director considers appropriate to the extent feasible subject to available resources; and

(3) to solicit, reproduce, and collect written materials (such as letters and diaries) relevant to the personal histories of veterans of the Armed Forces who served during a period of war and to catalog such materials in a manner the Director considers appropriate, consistent with and complimentary<sup>1</sup> to the efforts described in paragraphs (1) and (2).

**(b) Use of and consultation with other entities**

The Director may carry out the activities described in paragraphs (1) and (3) of subsection (a) of this section through agreements and partnerships entered into with other government and private entities, and may otherwise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the program under this subchapter.

**(c) Timing**

As soon as practicable after October 27, 2000, the Director shall begin collecting video and audio recordings under subsection (a)(1) of this section, and shall attempt to collect the first such recordings from the oldest veterans.

(Pub. L. 106-380, § 3, Oct. 27, 2000, 114 Stat. 1448.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2143 of this title.

**§ 2143. Private support**

**(a) Acceptance of donations**

The Librarian of Congress may solicit and accept donations of funds and in-kind contributions to carry out the oral history program under section 2142 of this title.

**(b) Establishment of separate gift account**

There is established in the Treasury (among the accounts of the Library of Congress) a gift account for the oral history program under section 2142 of this title.

**(c) Dedication of funds**

Notwithstanding any other provision of law—

(1) any funds donated to the Librarian of Congress to carry out the oral history program under section 2142 of this title shall be deposited entirely into the gift account established under subsection (b) of this section;

(2) the funds contained in such account shall be used solely to carry out the oral history program under section 2142 of this title; and

(3) the Librarian of Congress may not deposit into such account any funds donated to the Librarian which are not donated for the exclusive purpose of carrying out the oral history program under section 2142 of this title.

(Pub. L. 106-380, § 4, Oct. 27, 2000, 114 Stat. 1448.)

<sup>1</sup> So in original. Probably should be complementary.

**§ 2144. Authorization of appropriations**

There are authorized to be appropriated to carry out this subchapter—

(1) \$250,000 for fiscal year 2001; and

(2) such sums as may be necessary for each succeeding fiscal year.

(Pub. L. 106-380, § 5, Oct. 27, 2000, 114 Stat. 1449.)

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#### CODIFICATION

The Carl D. Perkins Vocational and Technical Education Act of 1998, comprising this chapter, was originally enacted as part A of Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, known as the Vocational Education Act of 1963, and classified to sections 35 to 35n of this title. Part A of Pub. L. 88-210 was subsequently redesignated as title I and amended generally by Pub. L. 90-576, title I, § 101, Oct. 16, 1968, 82 Stat. 1064, further amended by Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 121; Pub. L. 92-318, June 23, 1972, 86 Stat. 235; Pub. L. 93-380, Aug. 21, 1974, 88 Stat. 484; Pub. L. 93-567, Dec. 31, 1974, 88 Stat. 1845; Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 713; Pub. L. 94-273, Apr. 21, 1976, 90 Stat. 375, and reclassified to chapter 32 (§§ 1241-1393f) of this title. Title I of Pub. L. 88-210 was subsequently amended generally by Pub. L. 94-482, title II, § 202(a), Oct. 12, 1976, 90 Stat. 2169, and reclassified to this chapter. Pub. L. 88-210 was subsequently amended by Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2435, by striking out all after the enacting clause and inserting in lieu thereof titles I to V (§§ 1-521), to be cited as the Carl D. Perkins Vocational Education Act, and further amended by Pub. L. 99-159, Nov. 22, 1985, 99 Stat. 887; Pub. L. 99-357, July 8, 1986, 100 Stat. 761; Pub. L. 100-202, Dec. 22, 1987, 101 Stat. 1329; Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 130; Pub. L. 100-418, Aug. 23, 1988, 102 Stat. 1107. Pub. L. 88-210 was subsequently extensively amended by Pub. L. 101-392, Sept. 25, 1990, 104 Stat. 753, including an amendment to provide that the Act be cited as the Carl D. Perkins Vocational and Applied Technology Education Act, and was further amended by Pub. L. 101-476, Oct. 30, 1990, 104 Stat. 1103; Pub. L. 102-103, Aug.

17, 1991, 105 Stat. 497; Pub. L. 102-367, Sept. 7, 1992, 106 Stat. 1021; Pub. L. 103-208, Dec. 20, 1993, 107 Stat. 2457; Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125; Pub. L. 103-239, May 4, 1994, 108 Stat. 568; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518; Pub. L. 104-66, Dec. 21, 1995, 109 Stat. 707; Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2105; Pub. L. 105-244, Oct. 7, 1998, 112 Stat. 1581. Pub. L. 88-210 was subsequently amended generally by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076, including an amendment to provide that the Act be cited as the Carl D. Perkins Vocational and Technical Education Act of 1998. Pub. L. 88-210 is shown herein, however, as having been added by Pub. L. 105-332 without reference to the intervening amendments listed above because of the extensive revision of Pub. L. 88-210 by Pub. L. 105-332.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2308, 5891b, 6122, 6143, 6212, 6311, 6312, 6314, 7425, 9271, 9273 of this title; title 8 section 1255a; title 29 sections 491-2, 2822, 2841, 2864; title 31 section 6703; title 40 section 14507; title 42 sections 3056, 3056a, 3056c.

### § 2301. Purpose

The purpose of this chapter is to develop more fully the academic, vocational, and technical skills of secondary students and postsecondary students who elect to enroll in vocational and technical education programs, by—

(1) building on the efforts of States and localities to develop challenging academic standards;

(2) promoting the development of services and activities that integrate academic, vocational, and technical instruction, and that link secondary and postsecondary education for participating vocational and technical education students;

(3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve vocational and technical education, including tech-prep education; and

(4) disseminating national research, and providing professional development and technical assistance, that will improve vocational and technical education programs, services, and activities.

(Pub. L. 88-210, §2, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3077.)

#### PRIOR PROVISIONS

A prior section 2301, Pub. L. 88-210, §2, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2437; amended Pub. L. 101-392, §2, Sept. 25, 1990, 104 Stat. 756, stated purpose of this chapter, prior to the general amendment of this chapter by Pub. L. 105-332.

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-332, §1(a), Oct. 31, 1998, 112 Stat. 3076, provided that: “This Act [see Tables for classification] may be cited as the ‘Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998’.”

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-392, §1(a), Sept. 25, 1990, 104 Stat. 753, provided that: “This Act [see Tables for classification] may be cited as the ‘Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990’.”

#### SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90-576, §1, Oct. 16, 1968, 82 Stat. 1064, provided that: “This Act [enacting sections 6, 1119c to 1119c-4,

1226, 1241 to 1248, 1261 to 1264, 1281 to 1284, 1301 to 1305, 1321 to 1323, 1341, 1351 to 1355, 1371 to 1374, and 1391 of this title, amending sections 237, 237 note, 238, 239, 240, 241, 403, 421, 422, 423, 423 note, 425, 425 note, 426, 441, 442, 442 note, 443, 444, 462, 464, 481, 482, 482 note, 483, 484, 491, 511, 521, 541, 551, 561, 563, 588, 589, 611, 633, 644, 645, 1202, and 1221 of this title, repealing sections 15i, 15i note, 15j to 15q, 15aa to 15jj, 15aaa to 15ggg, 30, 31 to 33, and 34 of this title and section 1667 of Title 48, Territories and Insular Possessions, and enacting provisions set out as notes under sections 6, 11, 240, 886, 1202, 1321, and 2301 of this title and section 2809 of Title 42, The Public Health and Welfare may be cited as the ‘Vocational Education Amendments of 1968’.”

#### SHORT TITLE

Pub. L. 88-210, §1(a), as added by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076, provided that: “This Act [enacting this chapter] may be cited as the ‘Carl D. Perkins Vocational and Technical Education Act of 1998’.”

Pub. L. 88-210, title II, §201, as added by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3117, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Tech-Prep Education Act’.”

#### VOCATIONAL EDUCATION POLICY

Section 6 of Pub. L. 98-524 provided that: “It is the sense of the Congress that effective vocational education programs are essential to our future as a free and democratic society; that such programs are best administered by local communities, and community colleges school boards, where the primacy of parental control can be emphasized with a minimum of Federal interference; and that as a means to strengthening vocational education and training programs, nongovernmental alternatives promoting links between public school needs and private sector sources of support should be encouraged and implemented.”

### § 2302. Definitions

In this chapter:

#### (1) Administration

The term “administration”, when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient’s duties under this chapter, including supervision, but does not include curriculum development activities, personnel development, or research activities.

#### (2) All aspects of an industry

The term “all aspects of an industry” means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.

#### (3) Area vocational and technical education school

The term “area vocational and technical education school” means—

(A) a specialized public secondary school used exclusively or principally for the provision of vocational and technical education to individuals who are available for study in preparation for entering the labor market;

(B) the department of a public secondary school exclusively or principally used for providing vocational and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

(C) a public or nonprofit technical institution or vocational and technical education

school used exclusively or principally for the provision of vocational and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits as regular students both individuals who have completed secondary school and individuals who have left secondary school; or

(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides vocational and technical education in not fewer than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed secondary school and individuals who have left secondary school.

**(4) Career guidance and academic counseling**

The term “career guidance and academic counseling” means providing access to information regarding career awareness and planning with respect to an individual’s occupational and academic future that shall involve guidance and counseling with respect to career options, financial aid, and postsecondary options.

**(5) Charter school**

The term “charter school” has the meaning given the term in section 7221i<sup>1</sup> of this title.

**(6) Cooperative education**

The term “cooperative education” means a method of instruction of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required academic courses and related vocational and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

**(7) Displaced homemaker**

The term “displaced homemaker” means an individual who—

(A)(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;

(ii) has been dependent on the income of another family member but is no longer supported by that income; or

(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the par-

ent applies for assistance under this chapter;<sup>1</sup> and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

**(8) Educational service agency**

The term “educational service agency” has the meaning given the term in section 7801 of this title.

**(9) Eligible agency**

The term “eligible agency” means a State board designated or created consistent with State law as the sole State agency responsible for the administration of vocational and technical education or for supervision of the administration of vocational and technical education in the State.

**(10) Eligible institution**

The term “eligible institution” means—

(A) an institution of higher education;

(B) a local educational agency providing education at the postsecondary level;

(C) an area vocational and technical education school providing education at the postsecondary level;

(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] or the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.);

(E) an educational service agency; or

(F) a consortium of 2 or more of the entities described in subparagraphs (A) through (E).

**(11) Eligible recipient**

The term “eligible recipient” means—

(A) a local educational agency, an area vocational and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 2351 of this title; or

(B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 2352 of this title.

**(12) Governor**

The term “Governor” means the chief executive officer of a State or an outlying area.

**(13) Individual with limited English proficiency**

The term “individual with limited English proficiency” means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

(A) whose native language is a language other than English; or

(B) who lives in a family or community environment in which a language other than English is the dominant language.

**(14) Individual with a disability**

**(A) In general**

The term “individual with a disability” means an individual with any disability (as defined in section 12102 of title 42).

<sup>1</sup> See References in Text note below.

**(B) Individuals with disabilities**

The term “individuals with disabilities” means more than 1 individual with a disability.

**(15) Institution of higher education**

The term “institution of higher education” has the meaning given the term in section 1001 of this title.

**(16) Local educational agency**

The term “local educational agency” has the meaning given the term in section 7801 of this title.

**(17) Nontraditional training and employment**

The term “nontraditional training and employment” means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

**(18) Outlying area**

The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

**(19) Postsecondary educational institution**

The term “postsecondary educational institution” means—

- (A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor’s degree;
- (B) a tribally controlled college or university; or
- (C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

**(20) School dropout**

The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

**(21) Secondary school**

The term “secondary school” has the meaning given the term in section 7801 of this title.

**(22) Secretary**

The term “Secretary” means the Secretary of Education.

**(23) Special populations**

The term “special populations” means—

- (A) individuals with disabilities;
- (B) individuals from economically disadvantaged families, including foster children;
- (C) individuals preparing for nontraditional training and employment;
- (D) single parents, including single pregnant women;
- (E) displaced homemakers; and
- (F) individuals with other barriers to educational achievement, including individuals with limited English proficiency.

**(24) State**

The term “State”, unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

**(25) Support services**

The term “support services” means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

**(26) Tech-prep program**

The term “tech-prep program” means a program of study that—

- (A) combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a nonduplicative sequential course of study;
- (B) strengthens the applied academic component of vocational and technical education through the integration of academic, and vocational and technical, instruction;
- (C) provides technical preparation in an area such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, a health occupation, business, or applied economics;
- (D) builds student competence in mathematics, science, and communications (including through applied academics) in a coherent sequence of courses; and
- (E) leads to an associate degree or a certificate in a specific career field, and to high skill, high wage employment, or further education.

**(27) Tribally controlled college or university**

The term “tribally controlled college or university” has the meaning given such term in section 1801 of title 25.

**(28) Tribally controlled postsecondary vocational and technical institution**

The term “tribally controlled postsecondary vocational and technical institution” means an institution of higher education (as defined in section 1001 of this title, except that paragraph (2)<sup>2</sup> of such section shall not be applicable and the reference to Secretary in paragraph (5)(A)<sup>2</sup> of such section shall be deemed to refer to the Secretary of the Interior) that—

- (A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;
- (B) offers a technical degree or certificate granting program;
- (C) is governed by a board of directors or trustees, a majority of whom are Indians;
- (D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurship and self-sustaining economic infrastructures on reservations;

<sup>2</sup> See References in Text note below.

(E) has been in operation for at least 3 years;

(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for post-secondary vocational and technical education; and

(G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

### **(29) Vocational and technical education**

The term “vocational and technical education” means organized educational activities that—

(A) offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a baccalaureate, master’s, or doctoral degree) in current or emerging employment sectors; and

(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.

### **(30) Vocational and technical student organization**

#### **(A) In general**

The term “vocational and technical student organization” means an organization for individuals enrolled in a vocational and technical education program that engages in vocational and technical activities as an integral part of the instructional program.

#### **(B) State and national units**

An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in vocational and technical education at the local level.

(Pub. L. 88-210, §3, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3077; amended Pub. L. 107-110, title X, §1076(k), Jan. 8, 2002, 115 Stat. 2091.)

#### REFERENCES IN TEXT

Section 7221i of this title, referred to in par. (5), was in the original “section 5206 of the Elementary and Secondary Education Act of 1965” and was translated as reading section 5210 of that Act to reflect the probable intent of Congress, because section 5206 does not contain definitions and section 5210 defines “charter school”.

The Social Security Act, referred to in par. (7)(A)(iii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

This chapter, referred to in par. (7)(A)(iii), was in the original “this title” and was translated as reading “this Act”, meaning the Carl D. Perkins Vocational and Technical Education Act of 1998, which enacted this chapter, to reflect the probable intent of Congress, because this section is not contained in a title of the Act.

The Indian Self-Determination Act, referred to in par. (10)(D), is title I of Pub. L. 93-638, Jan. 4, 1975, 88

Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

Act of April 16, 1934, referred to in par. (10)(D), is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O’Malley Act, which is classified generally to section 452 et seq. of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 452 of Title 25 and Tables.

Section 1001 of this title, referred to in par. (28), contains a paragraph (2) in both subsecs. (a) and (b) and does not contain a paragraph (5)(A).

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2471 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2302, Pub. L. 88-210, §3, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2437; amended Pub. L. 100-418, title VI, §§6131(b), 6134(b), Aug. 23, 1988, 102 Stat. 1511, 1512; Pub. L. 101-392, §3, Sept. 25, 1990, 104 Stat. 756, authorized appropriations for fiscal years 1991 to 1995 to carry out former subchapters I to IV of this chapter, prior to the general amendment of this chapter by Pub. L. 105-332.

#### AMENDMENTS

2002—Par. (5). Pub. L. 107-110, §1076(k)(1), substituted “7221i” for “8066”.

Pars. (8), (16), (21). Pub. L. 107-110, §1076(k)(2), (3), substituted “7801” for “8801”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 19 section 2291; title 29 section 2801.

### **§ 2303. Transition provisions**

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this chapter from any authority under provisions of the Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before October 31, 1998.

(Pub. L. 88-210, §4, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082.)

#### REFERENCES IN TEXT

The Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before October 31, 1998, referred to in text, means Pub. L. 88-210, as amended, which was classified generally to this chapter, prior to being amended generally and renamed the Carl D. Perkins Vocational and Technical Education Act of 1998 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

#### PRIOR PROVISIONS

A prior section 2303, Pub. L. 101-392, §4, Sept. 25, 1990, 104 Stat. 758; Pub. L. 104-66, title I, §1041(f), Dec. 21, 1995, 109 Stat. 715, which related to the Interdepartmental Task Force on Vocational Education and Related Programs, was transferred to section 2308 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2342 of this title.

**§ 2304. Privacy****(a) Construction**

Nothing in this chapter shall be construed to supersede the privacy protections afforded parents and students under section 1232g of this title.

**(b) Prohibition on development of national database**

Nothing in this chapter shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under this chapter.

(Pub. L. 88-210, § 5, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3082.)

**§ 2305. Limitation**

All of the funds made available under this chapter shall be used in accordance with the requirements of this chapter. None of the funds made available under this chapter may be used to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this chapter, activities that were funded under the School-To-Work Opportunities Act of 1994, unless the programs funded under this chapter serve only those participants eligible to participate in the programs under this chapter.

(Pub. L. 88-210, § 6, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3082.)

## REFERENCES IN TEXT

The School-to-Work Opportunities Act of 1994, referred to in text, is Pub. L. 103-239, May 4, 1994, 108 Stat. 568, as amended, which is classified principally to chapter 69 (§6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

**§ 2306. Special rule**

In the case of a local community in which no employees are represented by a labor organization, for purposes of this chapter the term “representatives of employees” shall be substituted for “labor organization”.

(Pub. L. 88-210, § 7, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3083.)

**§ 2307. Authorization of appropriations**

There is authorized to be appropriated to carry out this chapter (other than sections 2324, 2327, and 2328 of this title, and subchapter II) such sums as may be necessary for each of the fiscal years 1999 through 2003.

(Pub. L. 88-210, § 8, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3083.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321 of this title.

**§ 2308. Interdepartmental Task Force on Vocational Education and Related Programs****(a) Establishment**

There is established the Interdepartmental Task Force on Vocational Education and Related Programs (in this section referred to as the “Task Force”).

**(b) Membership**

The Task Force shall consist of the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, and such other personnel of the Department of Education, the Department of Labor, and the Department of Health and Human Services as the Secretaries consider appropriate.

**(c) Duties**

The Task Force shall—

(1) examine principal data required for programs under the Adult Education Act, the Carl D. Perkins Vocational and Applied Technology Education Act, the Job Training Partnership Act, the Rehabilitation Act of 1973, and the Wagner-Peyser Act [29 U.S.C. 49 et seq.];

(2) examine possible common objectives, definitions, measures, and standards for such programs; and

(3) consider integration of research and development conducted with Federal assistance in the area of vocational education and related areas, including areas of emerging technologies.

(Pub. L. 101-392, § 4, Sept. 25, 1990, 104 Stat. 758; Pub. L. 104-66, title I, § 1041(f), Dec. 21, 1995, 109 Stat. 715.)

## REFERENCES IN TEXT

The Adult Education Act, referred to in subsec. (c)(1), was title III of Pub. L. 89-750, Nov. 3, 1966, 80 Stat. 1216, as amended, which was classified generally to chapter 30 (§1201 et seq.) of this title, prior to repeal by Pub. L. 105-220, title II, § 251(a)(1), Aug. 7, 1998, 112 Stat. 1079. For complete classification of this Act to the Code, see Tables.

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsec. (c)(1), was Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended, which was classified generally to this chapter, prior to being amended generally and renamed the Carl D. Perkins Vocational and Technical Education Act of 1998 by Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3076. For complete classification of Pub. L. 88-210 to the Code, see Short Title note set out under section 2301 of this title and Tables.

The Job Training Partnership Act, referred to in subsec. (c)(1), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor, and was repealed by Pub. L. 105-220, title I, § 199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (c)(1), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Wagner-Peyser Act, referred to in subsec. (c)(1), is act June 6, 1933, ch. 49, 48 Stat. 113, as amended, which is classified principally to chapter 4B (§49 et

seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 49 of Title 29 and Tables.

#### CODIFICATION

Section was enacted as part of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, and not as part of the Carl D. Perkins Vocational and Technical Education Act of 1998 which comprises this chapter.

Section was formerly classified to section 2303 of this title.

#### PRIOR PROVISIONS

Prior sections 2311 to 2313 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2311, Pub. L. 88-210, title I, §101, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2438; amended Pub. L. 99-159, title VII, §701, Nov. 22, 1985, 99 Stat. 904; Pub. L. 99-357, July 8, 1986, 100 Stat. 761; Pub. L. 101-392, title I, §101(a), Sept. 25, 1990, 104 Stat. 759, related to allotments to States. See section 2321 of this title.

Section 2311a, Pub. L. 88-210, title I, §101A, as added Pub. L. 101-392, title I, §101(b), Sept. 25, 1990, 104 Stat. 760; amended Pub. L. 103-208, §3, Dec. 20, 1993, 107 Stat. 2487; Pub. L. 103-382, title III, §369, Oct. 20, 1994, 108 Stat. 3976, related to grants to the territories. See section 2325 of this title.

Section 2312, Pub. L. 88-210, title I, §102, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2440; amended Pub. L. 99-159, title VII, §702, Nov. 22, 1985, 99 Stat. 904; Pub. L. 101-392, title I, §102, Sept. 25, 1990, 104 Stat. 761; Pub. L. 102-103, title III, §311(a), Aug. 17, 1991, 105 Stat. 505, related to within State allocations. See section 2322 of this title.

Section 2313, Pub. L. 88-210, title I, §103, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2440; amended Pub. L. 101-392, title I, §103, Sept. 25, 1990, 104 Stat. 762; Pub. L. 102-103, title III, §311(b), Aug. 17, 1991, 105 Stat. 505, related to Indian and Hawaiian natives programs.

#### AMENDMENTS

1995—Subsec. (d). Pub. L. 104-66 struck out heading and text of subsec. (d). Text read as follows: “The Task Force shall, every 2 years, submit a report on its findings to the appropriate committees of the Congress.”

### SUBCHAPTER I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

#### PART A—ALLOTMENT AND ALLOCATION

### § 2321. Reservations and State allotment

#### (a) Reservations and State allotment

##### (1) Reservations

From the sum appropriated under section 2307 of this title for each fiscal year, the Secretary shall reserve—

(A) 0.2 percent to carry out section 2325 of this title;

(B) 1.50 percent to carry out section 2326 of this title, of which—

(i) 1.25 percent of the sum shall be available to carry out section 2326(b) of this title; and

(ii) 0.25 percent of the sum shall be available to carry out section 2326(h) of this title; and

(C) in the case of each of the fiscal years 2001 through 2003, 0.54 percent to carry out section 9273 of this title.

##### (2) State allotment formula

Subject to paragraphs (3) and (4), from the remainder of the sums appropriated under sec-

tion 2307 of this title and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

(A) an amount that bears the same ratio to 50 percent of the sums being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(B) an amount that bears the same ratio to 20 percent of the sums being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(C) an amount that bears the same ratio to 15 percent of the sums being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

(D) an amount that bears the same ratio to 15 percent of the sums being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

#### (3) Minimum allotment

##### (A) In general

Notwithstanding any other provision of law and subject to subparagraphs (B) and (C), and paragraph (4), no State shall receive for a fiscal year under this subsection less than  $\frac{1}{2}$  of 1 percent of the amount appropriated under section 2307 of this title and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

##### (B) Requirement

No State, by reason of the application of subparagraph (A), shall receive for a fiscal year more than 150 percent of the amount the State received under this subsection for the preceding fiscal year (or in the case of fiscal year 1999 only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before October 31, 1998).

##### (C) Special rule

###### (i) In general

Subject to paragraph (4), no State, by reason of the application of subparagraph (A), shall be allotted for a fiscal year more than the lesser of—

(I) 150 percent of the amount that the State received in the preceding fiscal year (or in the case of fiscal year 1999



only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before October 31, 1998); and

(II) the amount calculated under clause (ii).

**(ii) Amount**

The amount calculated under this clause shall be determined by multiplying—

(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

(II) 150 percent of the national average per pupil payment made with funds available under this section for that year (or in the case of fiscal year 1999, only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before October 31, 1998).

**(4) Hold harmless**

**(A) In general**

No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received under part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act (as such part was in effect on the day before October 31, 1998) for fiscal year 1998.

**(B) Ratable reduction**

If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

**(b) Reallotment**

If the Secretary determines that any amount of any State's allotment under subsection (a) of this section for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which the funds were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

**(c) Allotment ratio**

**(1) In general**

The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50; and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

**(2) Promulgation**

The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

**(3) "Per capita income" defined**

For the purpose of this section, the term "per capita income" means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

**(4) Population determination**

For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

**(d) "State" defined**

For the purpose of this section, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(Pub. L. 88-210, title I, §111, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3083; amended Pub. L. 106-246, div. B, title II, §2403(b), July 13, 2000, 114 Stat. 555.)

REFERENCES IN TEXT

Section 101 and part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section and part were in effect on the day before October 31, 1998, referred to in subsec. (a)(3)(B), (C), (4)(A), means section 101 and part A of title I of Pub. L. 88-210, as added by Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2438, as amended, which were classified, respectively, to section 2311 of this title and part A (§2311 et seq.) of subchapter I of this chapter prior to the general amendment of this chapter by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 2311 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2321, Pub. L. 88-210, title I, §111, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2441; amended Pub. L. 101-392, title I, §111, Sept. 25, 1990, 104 Stat. 763; Pub. L. 103-382, title III, §391(s)(1), Oct. 20, 1994, 108 Stat. 4024, related to State administration, prior to the general amendment of this chapter by Pub. L. 105-332. See section 2341 of this title.

AMENDMENTS

2000—Subsec. (a)(1)(C). Pub. L. 106-246 substituted "fiscal years 2001" for "fiscal years 2000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2322, 2323, 2325, 2326, 2342, 2343, 2372 of this title.

**§ 2322. Within State allocation**

**(a) In general**

From the amount allotted to each State under section 2321 of this title for a fiscal year, the

State board (hereinafter referred to as the “eligible agency”) shall make available—

(1) not less than 85 percent for distribution under section 2351 or 2352 of this title, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c) of this section;

(2) not more than 10 percent to carry out State leadership activities described in section 2344 of this title, of which—

(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 2321 of this title for the fiscal year shall be available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

(B) not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for nontraditional training and employment; and

(3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for administration of the State plan, which may be used for the costs of—

- (A) developing the State plan;
- (B) reviewing the local plans;
- (C) monitoring and evaluating program effectiveness;
- (D) assuring compliance with all applicable Federal laws; and
- (E) providing technical assistance.

**(b) Matching requirement**

Each eligible agency receiving funds made available under subsection (a)(3) of this section shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds received under subsection (a)(3) of this section.

**(c) Reserve**

**(1) In general**

From amounts made available under subsection (a)(1) of this section to carry out this subsection, an eligible agency may award grants to eligible recipients for vocational and technical education activities described in section 2355 of this title in—

- (A) rural areas;
- (B) areas with high percentages of vocational and technical education students;
- (C) areas with high numbers of vocational and technical students; and
- (D) communities negatively impacted by changes resulting from the amendments made by the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998 to the within State allocation under section 231 of the Carl D. Perkins Vocational and Applied Technology Education Act (as such section 231 was in effect on the day before October 31, 1998).

(D) communities negatively impacted by changes resulting from the amendments made by the Carl D. Perkins Vocational and Applied Technology Education Act (as such section 231 was in effect on the day before October 31, 1998).

**(2) Special rule**

Each eligible agency awarding a grant under this subsection shall use the grant funds to serve at least 2 of the categories described in subparagraphs (A) through (D) of paragraph (1).

(Pub. L. 88-210, title I, §112, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3086.)

REFERENCES IN TEXT

The Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998, referred to in subsec. (c)(1)(D), is Pub. L. 105-332, Oct. 31, 1998, 112 Stat. 3076. For complete classification of this Act to the Code, see Short Title of 1998 Amendment note set out under section 2301 of this title and Tables.

Section 231 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before October 31, 1998, referred to in subsec. (c)(1)(D), means section 231 of Pub. L. 88-210, as added by Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 779, as amended, which was classified to section 2341 of this title prior to the general amendment of this chapter by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 2312 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2322, Pub. L. 88-210, title I, §112, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2443; amended Pub. L. 99-159, title VII, §703, Nov. 22, 1985, 99 Stat. 905; Pub. L. 101-392, title I, §112, Sept. 25, 1990, 104 Stat. 765; Pub. L. 102-367, title VI, §601(b)(1), Sept. 7, 1992, 106 Stat. 1102, related to State councils on vocational education, prior to the general amendment of this chapter by Pub. L. 105-332.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2344, 2351, 2352, 2353 of this title.

**§ 2323. Accountability**

**(a) Purpose**

The purpose of this section is to establish a State performance accountability system, comprised of the activities described in this section, to assess the effectiveness of the State in achieving statewide progress in vocational and technical education, and to optimize the return of investment of Federal funds in vocational and technical education activities.

**(b) State performance measures**

**(1) In general**

Each eligible agency, with input from eligible recipients, shall establish performance measures for a State that consist of—

(A) the core indicators of performance described in paragraph (2)(A);

(B) any additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(B); and

(C) a State adjusted level of performance described in paragraph (3)(A) for each core indicator of performance, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance.

**(2) Indicators of performance**

**(A) Core indicators of performance**

Each eligible agency shall identify in the State plan core indicators of performance that include, at a minimum, measures of each of the following:

(i) Student attainment of challenging State established academic, and vocational and technical, skill proficiencies.

(ii) Student attainment of a secondary school diploma or its recognized equivalent, a proficiency credential in conjunc-

tion with a secondary school diploma, or a postsecondary degree or credential.

(iii) Placement in, retention in, and completion of, postsecondary education or advanced training, placement in military service, or placement or retention in employment.

(iv) Student participation in and completion of vocational and technical education programs that lead to nontraditional training and employment.

**(B) Additional indicators of performance**

An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for vocational and technical education activities authorized under the<sup>1</sup> subchapter.

**(C) Existing indicators**

If a State previously has developed State performance measures that meet the requirements of this section, the State may use such performance measures to measure the progress of vocational and technical education students.

**(D) State role**

Indicators of performance described in this paragraph shall be established solely by each eligible agency with input from eligible recipients.

**(3) Levels of performance**

**(A) State adjusted levels of performance for core indicators of performance**

**(i) In general**

Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 2342 of this title, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for vocational and technical education activities authorized under this subchapter. The levels of performance established under this subparagraph shall, at a minimum—

(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

(II) require the State to continually make progress toward improving the performance of vocational and technical education students.

**(ii) Identification in the State plan**

Each eligible agency shall identify, in the State plan submitted under section 2342 of this title, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan.

**(iii) Agreement on State adjusted levels of performance for first 2 years**

The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into ac-

count the levels identified in the State plan under clause (ii) and the factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

**(iv) Role of the Secretary**

The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

**(v) Agreement on State adjusted levels of performance for 3rd, 4th, and 5th years**

Prior to the third program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the third, fourth, and fifth program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

**(vi) Factors**

The agreement described in clause (iii) or (v) shall take into account—

(I) how the levels of performance involved compare with the State adjusted levels of performance established for other States taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.

**(vii) Revisions**

If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi)(II), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) or (vi) be revised. The Secretary shall issue objective criteria and methods for making such revisions.

**(B) Levels of performance for additional indicators**

Each eligible agency shall identify in the State plan, State levels of performance for each of the additional indicators of performance described in paragraph (2)(B). Such levels shall be considered to be the State levels of performance for purposes of this subchapter.

**(c) Report**

**(1) In general**

Each eligible agency that receives an allotment under section 2321 of this title shall an-

<sup>1</sup> So in original. Probably should be “this”.

nually prepare and submit to the Secretary a report regarding—

(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and

(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.

**(2) Special populations**

The report submitted by the eligible agency in accordance with paragraph (1) shall include a quantifiable description of the progress special populations participating in vocational and technical education programs have made in meeting the State adjusted levels of performance established by the eligible agency.

**(3) Information dissemination**

The Secretary—

(A) shall make the information contained in such reports available to the general public;

(B) shall disseminate State-by-State comparisons of the information; and

(C) shall provide the appropriate committees of Congress copies of such reports.

(Pub. L. 88-210, title I, §113, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3087.)

PRIOR PROVISIONS

A prior section 2323, Pub. L. 88-210, title I, §113, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2445; amended Pub. L. 99-159, title VII, §§704, 713(a)(1), (2), Nov. 22, 1985, 99 Stat. 905, 907; Pub. L. 101-392, title I, §113, Sept. 25, 1990, 104 Stat. 766; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-382, title III, §391(s)(2), Oct. 20, 1994, 108 Stat. 4024, required submission of State plans, prior to the general amendment of this chapter by Pub. L. 105-332. See section 2342 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2324, 2342, 2343, 2344, 2354 of this title; title 29 section 2821.

**§ 2324. National activities**

**(a) Program performance information**

**(1) In general**

The Secretary shall collect performance information about, and report on, the condition of vocational and technical education and on the effectiveness of State and local programs, services, and activities carried out under this subchapter in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of vocational and technical education. The Secretary annually shall report to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this subchapter, including an analysis of performance data regarding special populations.

**(2) Compatibility**

The Secretary shall, to the extent feasible, ensure that the performance information system is compatible with other Federal information systems.

**(3) Assessments**

As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on vocational and technical education for a nationally representative sample of students. Such assessment may include international comparisons.

**(b) Miscellaneous provisions**

**(1) Collection of information at reasonable cost**

The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this subchapter. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics, the Office of Vocational and Adult Education, and an entity assisted under section 2328 of this title shall determine the methodology to be used and the frequency with which information is to be collected.

**(2) Cooperation of States**

All eligible agencies receiving assistance under this chapter shall cooperate with the Secretary in implementing the information systems developed pursuant to this chapter.

**(c) Research, development, dissemination, evaluation and assessment**

**(1) Single plan**

**(A) In general**

The Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to the vocational and technical education programs under this chapter. The Secretary shall develop a single plan for such activities.

**(B) Plan**

Such plan shall—

(i) identify the vocational and technical education activities described in subparagraph (A) the Secretary will carry out under this section;

(ii) describe how the Secretary will evaluate such vocational and technical education activities in accordance with paragraph (3); and

(iii) include such other information as the Secretary determines to be appropriate.

**(2) Independent advisory panel**

The Secretary shall appoint an independent advisory panel, consisting of vocational and technical education administrators, educators, researchers, and representatives of labor organizations, businesses, parents, guidance and counseling professionals, and other relevant groups, to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed, the methodology of the studies involved, and the findings and recommendations resulting from the assessment. The panel shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Re-

sources of the Senate, and the Secretary an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3). The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this subsection.

**(3) Evaluation and assessment**

**(A) In general**

From amounts made available under paragraph (8), the Secretary shall provide for the conduct of an independent evaluation and assessment of vocational and technical education programs under this chapter through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.

**(B) Contents**

The assessment required under paragraph (1) shall include descriptions and evaluations of—

(i) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local vocational and technical education programs and the effect of programs assisted under this chapter on that development, implementation, or improvement, including the capacity of State, tribal, and local vocational and technical education systems to achieve the purpose of this chapter;

(ii) the extent to which expenditures at the Federal, State, tribal, and local levels address program improvement in vocational and technical education, including the impact of Federal allocation requirements (such as within-State allocation formulas) on the delivery of services;

(iii) the preparation and qualifications of teachers of vocational and technical, and academic, curricula in vocational and technical education programs, as well as shortages of such teachers;

(iv) participation of students in vocational and technical education programs;

(v) academic and employment outcomes of vocational and technical education, including analyses of—

(I) the number of vocational and technical education students and tech-prep students who meet State adjusted levels of performance;

(II) the extent and success of integration of academic, and vocational and technical, education for students participating in vocational and technical education programs; and

(III) the extent to which vocational and technical education programs prepare students for subsequent employment in high-wage, high-skill careers or participation in postsecondary education;

(vi) employer involvement in, and satisfaction with, vocational and technical education programs;

(vii) the use and impact of educational technology and distance learning with re-

spect to vocational and technical education and tech-prep programs; and

(viii) the effect of State adjusted levels of performance and State levels of performance on the delivery of vocational and technical education services.

**(C) Reports**

**(i) In general**

The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

(I) an interim report regarding the assessment on or before January 1, 2002; and

(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the assessment, on or before July 1, 2002.

**(ii) Prohibition**

Notwithstanding any other provision of law, the reports required by this subsection shall not be subject to any review outside the Department of Education before their transmittal to the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Secretary, but the President, the Secretary, and the independent advisory panel established under paragraph (2) may make such additional recommendations to Congress with respect to the assessment as the President, the Secretary, or the panel determine to be appropriate.

**(4) Collection of State information and report**

**(A) In general**

The Secretary may collect and disseminate information from States regarding State efforts to meet State adjusted levels of performance described in section 2323 of this title.

**(B) Report**

The Secretary shall gather any information collected pursuant to subparagraph (A) and submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

**(5) Research**

**(A) In general**

The Secretary, after consulting with the States, shall award grants, contracts, or cooperative agreements on a competitive basis to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center or centers—

(i) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the education, employment, and training needs of participants in vocational and technical education programs, including research and evaluation in such activities as—

(I) the integration of vocational and technical instruction, and academic, secondary and postsecondary instruction;

(II) education technology and distance learning approaches and strategies that are effective with respect to vocational and technical education;

(III) State adjusted levels of performance and State levels of performance that serve to improve vocational and technical education programs and student achievement; and

(IV) academic knowledge and vocational and technical skills required for employment or participation in postsecondary education;

(ii) to carry out research to increase the effectiveness and improve the implementation of vocational and technical education programs, including conducting research and development, and studies, providing longitudinal information or formative evaluation with respect to vocational and technical education programs and student achievement;

(iii) to carry out research that can be used to improve teacher training and learning in the vocational and technical education classroom, including—

(I) effective inservice and preservice teacher education that assists vocational and technical education systems; and

(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on vocational and technical skills, State academic standards, and related materials; and

(iv) to carry out such other research as the Secretary determines appropriate to assist State and local recipients of funds under this chapter.

#### **(B) Report**

The center or centers conducting the activities described in subparagraph (A) shall annually prepare a report of key research findings of such center or centers and shall submit copies of the report to the Secretary, the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, the Library of Congress, and each eligible agency.

#### **(C) Dissemination**

The center or centers shall conduct dissemination and training activities based upon the research described in subparagraph (A).

### **(6) Demonstrations and dissemination**

#### **(A) Demonstration program**

The Secretary is authorized to carry out demonstration vocational and technical education programs, to replicate model vocational and technical education programs, to disseminate best practices information, and to provide technical assistance upon request

of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing vocational and technical education programs assisted under this chapter.

#### **(B) Demonstration partnership**

##### **(i) In general**

The Secretary shall carry out a demonstration partnership project involving a 4-year, accredited postsecondary institution, in cooperation with local public education organizations, volunteer groups, and private sector business participants to provide program support, and facilities for education, training, tutoring, counseling, employment preparation, specific skills training in emerging and established professions, and for retraining of military medical personnel, individuals displaced by corporate or military restructuring, migrant workers, as well as other individuals who otherwise do not have access to such services, through multisite, multi-state distance learning technologies.

##### **(ii) Program**

Such program may be carried out directly or through grants, contracts, cooperative agreements, or through the national center or centers established under paragraph (5).

#### **(7) Definition**

In this section, the term “institution of higher education” has the meaning given the term in section 1001 of this title.

#### **(8) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

(Pub. L. 88-210, title I, §114, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3089.)

#### **REFERENCES IN TEXT**

The Federal Advisory Committee Act, referred to in subsec. (c)(2), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### **PRIOR PROVISIONS**

A prior section 2324, Pub. L. 88-210, title I, §114, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2449; amended Pub. L. 101-392, title I, §114, Sept. 25, 1990, 104 Stat. 769, related to development and approval of State plans, prior to the general amendment of this chapter by Pub. L. 105-332.

#### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2307 of this title.

### **§ 2325. Assistance for outlying areas**

#### **(a) Outlying areas**

From funds reserved pursuant to section 2321(a)(1)(A) of this title, the Secretary shall—

(1) make a grant in the amount of \$500,000 to Guam; and

(2) make a grant in the amount of \$190,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands.

**(b) Remainder**

Subject to the provisions of subsection (a) of this section, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 2321(a)(1)(A) of this title to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for vocational and technical education and training in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, for the purpose of providing direct vocational and technical educational services, including—

- (1) teacher and counselor training and re-training;
- (2) curriculum development; and
- (3) the improvement of vocational and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

**(c) Limitation**

The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b) of this section for administrative costs.

**(d) Restriction**

Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subchapter for any fiscal year that begins after September 30, 2001.

(Pub. L. 88-210, title I, §115, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3094.)

**PRIOR PROVISIONS**

Provisions similar to this section were contained in section 2311a of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2325, Pub. L. 88-210, title I, §115, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2449; amended Pub. L. 101-392, title I, §115, Sept. 25, 1990, 104 Stat. 770; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-382, title III, §391(s)(3), Oct. 20, 1994, 108 Stat. 4024, related to State and local standards and measures, prior to the general amendment of this chapter by Pub. L. 105-332.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2321 of this title.

**§ 2326. Native American program****(a) Definitions**

In this section:

**(1) Alaska Native**

The term “Alaska Native” means a Native as such term is defined in section 1602 of title 43.

**(2) Bureau funded school**

The term “Bureau funded school” has the meaning given the term in section 2026 of title 25.<sup>1</sup>

<sup>1</sup> See References in Text note below.

**(3) Indian, Indian tribe, and tribal organization**

The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given the terms in section 450b of title 25.

**(4) Native Hawaiian**

The term “Native Hawaiian” means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

**(5) Native Hawaiian organization**

The term “Native Hawaiian organization” has the meaning given the term in section 7517 of this title.

**(b) Program authorized****(1) Authority**

From funds reserved under section 2321(a)(1)(B)(i) of this title, the Secretary shall make grants to and enter into contracts with Indian tribes, tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (d)<sup>2</sup> of this section, except that such grants or contracts shall not be awarded to secondary school programs in Bureau funded schools.

**(2) Indian tribes and tribal organizations**

The grants or contracts described in this section (other than in subsection (i)<sup>3</sup> of this section) that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 450f of title 25 and shall be conducted in accordance with the provisions of sections 455, 456, and 457 of title 25, which are relevant to the programs administered under this subsection.

**(3) Special authority relating to secondary schools operated or supported by the Bureau of Indian Affairs**

An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out vocational and technical education programs.

**(4) Matching**

If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on vocational and technical education programs, services, and technical activities administered either directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The

<sup>2</sup> So in original. Probably should be subsection “(c)”.

<sup>3</sup> So in original. This section does not contain a subsection (i).

Secretary and the Assistant Secretary of the Interior for Indian Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

#### **(5) Regulations**

If the Secretary promulgates any regulations applicable to subsection (b)(2) of this section, the Secretary shall—

(A) confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members; and

(B) promulgate the regulations under subchapter III of chapter 5 of title 5, commonly known as the “Negotiated Rulemaking Act of 1990”.

#### **(6) Application**

Any Indian tribe, tribal organization, or Bureau funded school eligible to receive assistance under subsection (b) of this section may apply individually or as part of a consortium with another such Indian tribe, tribal organization, or Bureau funded school.

#### **(c) Authorized activities**

##### **(1) Authorized programs**

Funds made available under this section shall be used to carry out vocational and technical education programs consistent with the purpose of this chapter.

##### **(2) Stipends**

###### **(A) In general**

Funds received pursuant to grants or contracts awarded under subsection (b) of this section may be used to provide stipends to students who are enrolled in vocational and technical education programs and who have acute economic needs which cannot be met through work-study programs.

###### **(B) Amount**

Stipends described in subparagraph (A) shall not exceed reasonable amounts as prescribed by the Secretary.

#### **(d) Grant or contract application**

In order to receive a grant or contract under this section an organization, tribe, or entity described in subsection (b) of this section shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

#### **(e) Restrictions and special considerations**

The Secretary may not place upon grants awarded or contracts entered into under subsection (b) of this section any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 2321(a) of this title. The Secretary, in awarding grants and entering into contracts

under this paragraph, shall ensure that the grants and contracts will improve vocational and technical education programs, and shall give special consideration to—

(1) programs that involve, coordinate with, or encourage tribal economic development plans; and

(2) applications from tribally controlled colleges or universities that—

(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary vocational and technical education; or

(B) operate vocational and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of vocational and technical education programs.

#### **(f) Consolidation of funds**

Each organization, tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

#### **(g) Nonduplicative and nonexclusive services**

Nothing in this section shall be construed—

(1) to limit the eligibility of any organization, tribe, or entity described in subsection (b) of this section to participate in any activity offered by an eligible agency or eligible recipient under this subchapter; or

(2) to preclude or discourage any agreement, between any organization, tribe, or entity described in subsection (b) of this section and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

#### **(h) Native Hawaiian programs**

From the funds reserved pursuant to section 2321(a)(1)(B)(ii) of this title, the Secretary shall award grants to or enter into contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

(Pub. L. 88-210, title I, §116, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3094; amended Pub. L. 107-110, title VII, §702(b), (c), Jan. 8, 2002, 115 Stat. 1946, 1947.)

#### **REFERENCES IN TEXT**

Section 2026 of title 25, referred to in subsec. (a)(2), was omitted in the general amendment of chapter 22 (§2001 et seq.) of Title 25, Indians, by Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007. For definition of “Bureau-funded school”, see section 2021 of Title 25.

The Indian Employment, Training and Related Services Demonstration Act of 1992, referred to in subsec. (f), is Pub. L. 102-477, Oct. 23, 1992, 106 Stat. 2302, which is classified generally to chapter 36 (§3401 et seq.) of Title 25, Indians. For complete classification of this



Act to the Code, see Short Title note set out under section 3401 of Title 25 and Tables.

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2313 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2326, Pub. L. 88-210, title I, §116, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 772, related to State assessments of program quality, prior to the general amendment of this chapter by Pub. L. 105-332.

#### AMENDMENTS

2002—Subsec. (a)(5). Pub. L. 107-110, §702(c), which directed amendment of subsec. (a)(5) by substituting “section 7517 of this title” for “section 7912 of this title.”, could not be executed subsequent to amendment by Pub. L. 107-110, §702(b), see below.

Pub. L. 107-110, §702(b), substituted “section 7517 of this title” for “section 7912 of this title”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2321 of this title.

### § 2327. Tribally controlled postsecondary vocational and technical institutions

#### (a) Grants authorized

The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary vocational and technical institutions that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) to provide basic support for the education and training of Indian students.

#### (b) Use of grants

Amounts made available pursuant to this section shall be used for institutional support of vocational and technical education programs.

#### (c) Amount of grants

##### (1) In general

If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant who received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

##### (2) Per capita determination

For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary vo-

cal and technical institutions under this section for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

#### (d) Applications

Any tribally controlled postsecondary vocational and technical institution that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.

#### (e) Expenses

##### (1) In general

The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary vocational and technical institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—

(A) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with disabilities and academic instruction), materials, student costs, administrative expenses, boarding costs, transportation, student services, daycare and family support programs for students and their families (including contributions to the costs of education for dependents), and student stipends;

(B) capital expenditures, including operations and maintenance, and minor improvements and repair, and physical plant maintenance costs, for the conduct of programs funded under this section;

(C) costs associated with repair, upkeep, replacement, and upgrading of the instructional equipment; and

(D) institutional support of vocational and technical education.

##### (2) Accounting

Each institution receiving a grant under this section shall provide annually to the Secretary an accurate and detailed accounting of the institution's operating and maintenance expenses and such other information concerning costs as the Secretary may reasonably require.

#### (f) Other programs

##### (1) In general

Except as specifically provided in this chapter, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary vocational and technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.], or any other applicable program for the

benefit of institutions of higher education or vocational and technical education.

**(2) Prohibition on alteration of grant amount**

The amount of any grant for which tribally controlled postsecondary vocational and technical institutions are eligible under this section shall not be altered because of funds allocated to any such institution from funds appropriated under section 13 of title 25.

**(3) Prohibition on contract denial**

No tribally controlled postsecondary vocational and technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under section 13 of title 25 may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.] (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

**(g) Needs estimate and report on facilities and facilities improvement**

**(1) Needs estimate**

The Secretary shall, based on the most accurate data available from the institutions and Indian tribes whose Indian students are served under this section, and in consideration of employment needs, economic development needs, population training needs, and facilities needs, prepare an actual budget needs estimate for each institution eligible under this section for each subsequent program year, and submit such budget needs estimate to Congress in such a timely manner as will enable the appropriate committees of Congress to consider such needs data for purposes of the uninterrupted flow of adequate appropriations to such institutions. Such data shall take into account the purposes and requirements of part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.].

**(2) Study of training and housing needs**

**(A) In general**

The Secretary shall conduct a detailed study of the training, housing, and immediate facilities needs of each institution eligible under this section. The study shall include an examination of—

- (i) training equipment needs;
- (ii) housing needs of families whose heads of households are students and whose dependents have no alternate source of support while such heads of households are students; and
- (iii) immediate facilities needs.

**(B) Report**

The Secretary shall report to Congress not later than July 1, 2000, on the results of the study required by subparagraph (A).

**(C) Contents**

The report required by subparagraph (B) shall include the number, type, and cost of meeting the needs described in subparagraph (A), and rank each institution by relative need.

**(D) Priority**

In conducting the study required by subparagraph (A), the Secretary shall give priority to institutions that are receiving assistance under this section.

**(3) Long-term study of facilities**

**(A) In general**

The Secretary shall provide for the conduct of a long-term study of the facilities of each institution eligible for assistance under this section.

**(B) Contents**

The study required by subparagraph (A) shall include a 5-year projection of training facilities, equipment, and housing needs and shall consider such factors as projected service population, employment, and economic development forecasting, based on the most current and accurate data available from the institutions and Indian tribes affected.

**(C) Submission**

The Secretary shall submit to Congress a detailed report on the results of such study not later than the end of the 18-month period beginning on October 31, 1998.<sup>1</sup>

**(h) Definitions**

In this section:

**(1) Indian**

The terms “Indian” and “Indian tribe” have the meanings given the terms in section 1801 of title 25.

**(2) Indian student count**

The term “Indian student count” means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary vocational and technical institution, determined as follows:

**(A) Registrations**

The registrations of Indian students as in effect on October 1 of each year.

**(B) Summer term**

Credits or clock hours toward a certificate earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

**(C) Admission criteria**

Credits or clock hours toward a certificate earned in classes during a summer term shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student’s ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student’s aptitude to successfully complete the course in which the student has enrolled. No credit earned by such student for purposes of

<sup>1</sup> See Codification note below.

obtaining a secondary school degree or its recognized equivalent shall be counted toward the computation of the Indian student count.

#### (D) Determination of hours

Indian students earning credits in any continuing education program of a tribally controlled postsecondary vocational and technical institution shall be included in determining the sum of all credit or clock hours.

#### (E) Continuing education

Credits or clock hours earned in a continuing education program shall be converted to the basis that is in accordance with the institution's system for providing credit for participation in such programs.

#### (i) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$4,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(Pub. L. 88-210, title I, §117, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3097; amended Pub. L. 106-554, §1(a)(1) [title III, §310], Dec. 21, 2000, 114 Stat. 2763, 2763A-46; Pub. L. 107-20, title II, §2701(a), July 24, 2001, 115 Stat. 181.)

#### REFERENCES IN TEXT

The Tribally Controlled College or University Assistance Act of 1978, referred to in subsecs. (a) and (d), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, as amended, which is classified principally to chapter 20 (§1801 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 25 and Tables.

The Navajo Community College Act, referred to in subsecs. (a) and (d), is Pub. L. 92-189, Dec. 15, 1971, 85 Stat. 646, as amended, which is classified to section 640a et seq. of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 640a of Title 25 and Tables.

The Higher Education Act of 1965, referred to in subsec. (f)(1), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended, which is classified principally to chapter 28 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (f)(3), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

The Social Security Act, referred to in subsec. (g)(1), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

#### CODIFICATION

October 31, 1998, referred to in subsec. (g)(3)(C), was in the original “the date of enactment of this Act” which was translated as meaning the date of enactment of Pub. L. 105-332, which amended this chapter generally, to reflect the probable intent of Congress.

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2397 et seq. of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2327, Pub. L. 88-210, title I, §117, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 772, related to program evaluation and improvement, prior to the general amendment of this chapter by Pub. L. 105-332. See section 2343 of this title.

#### AMENDMENTS

2001—Subsec. (a). Pub. L. 107-20, §2701(a)(1), inserted “that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)” after “institutions”.

Subsec. (b). Pub. L. 107-20, §2701(a)(2), inserted “institutional support of” after “for”.

Subsec. (d). Pub. L. 107-20, §2701(a)(3), inserted “that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)” after “institution”.

Subsec. (e)(1)(D). Pub. L. 107-20, §2701(a)(4), added subpar. (D).

2000—Subsec. (i). Pub. L. 106-554 inserted “such sums as may be necessary for” before “each of the 4 succeeding fiscal years”.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-20, title II, §2701(b), July 24, 2001, 115 Stat. 182, provided that:

“(1) The amendments made by subsection (a) [amending this section] shall take effect on the date of enactment of this section [July 24, 2001].

“(2) The amendments made by subsection (a) shall apply to grants made for fiscal year 2001 only if this section is enacted before August 4, 2001.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2307 of this title.

### § 2328. Occupational and employment information

#### (a) National activities

From funds appropriated under subsection (f) of this section, the Secretary, in consultation with appropriate Federal agencies, is authorized—

(1) to provide assistance to an entity to enable the entity—

(A) to provide technical assistance to State entities designated under subsection (b) of this section to enable the State entities to carry out the activities described in subsection (b) of this section;

(B) to disseminate information that promotes the replication of high quality practices described in subsection (b) of this section;

(C) to develop and disseminate products and services related to the activities described in subsection (b) of this section; and

(2) to award grants to States that designate State entities in accordance with subsection (b) of this section to enable the State entities to carry out the State level activities described in subsection (b) of this section.

#### (b) State level activities

In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

(1) to provide support for a career guidance and academic counseling program designed to promote improved career and education deci-

sionmaking by individuals (especially in areas of career information delivery and use);

(2) to make available to students, parents, teachers, administrators, and counselors, and to improve accessibility with respect to, information and planning resources that relate educational preparation to career goals and expectations;

(3) to equip teachers, administrators, and counselors with the knowledge and skills needed to assist students and parents with career exploration, educational opportunities, and education financing.<sup>1</sup>

(4) to assist appropriate State entities in tailoring career-related educational resources and training for use by such entities;

(5) to improve coordination and communication among administrators and planners of programs authorized by this chapter and by section 15 of the Wagner-Peyser Act [29 U.S.C. 491-2] at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; and

(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.

#### (c) Nonduplication

##### (1) Wagner-Peyser Act

The State entity designated under subsection (b) of this section may use funds provided under subsection (b) of this section to supplement activities under section 15 of the Wagner-Peyser Act [29 U.S.C. 491-2] to the extent such activities do not duplicate activities assisted under such section.

##### (2) Public Law 105-220

None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under Public Law 105-220.

#### (d) Funding rule

Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) of this section shall use—

(1) not less than 85 percent to carry out subsection (b) of this section; and

(2) not more than 15 percent to carry out subsection (a) of this section.

#### (e) Report

The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes—

(1) an identification of activities assisted under this section during the prior program year;

(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

(3) an assessment of the extent to which States have effectively coordinated activities assisted under this section with activities authorized under section 15 of the Wagner-Peyser Act [29 U.S.C. 491-2].

#### (f) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

(Pub. L. 88-210, title I, §118, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3100.)

#### REFERENCES IN TEXT

Public Law 105-220, referred to in subsec. (c)(2), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, known as the Workforce Investment Act of 1998. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 2328, Pub. L. 88-210, title I, §118, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 773, related to criteria for services and activities for individuals who are members of special populations, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2331, Pub. L. 88-210, title II, §201, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 776, related to State programs and State leadership activities, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 2331 and prior sections 2332 to 2334 were omitted in the general amendment of this subchapter by Pub. L. 101-392.

Section 2331, Pub. L. 88-210, title II, §201, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2450; amended Pub. L. 100-297, title II, §2401(a), Apr. 28, 1988, 102 Stat. 324, related to use of a portion of a State's allotment to provide vocational education services and activities to meet special needs of handicapped individuals, disadvantaged individuals, single parents, homemakers, or single pregnant women, and other groups.

Section 2332, Pub. L. 88-210, title II, §202, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2452; amended Pub. L. 100-202, §101(h) [title III, §300], Dec. 22, 1987, 101 Stat. 1329-256, 1329-279; Pub. L. 100-297, title II, §2401(b), (c), Apr. 28, 1988, 102 Stat. 324, related to distribution of assistance from State allotment to provide vocational education opportunities.

Section 2333, Pub. L. 88-210, title II, §203, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2453; amended Pub. L. 99-159, title VII, §705, Nov. 22, 1985, 99 Stat. 905, related to allocation within individual States of the funds available for vocational education services and activities for the handicapped.

Section 2334, Pub. L. 88-210, title II, §204, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2454; amended Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142, related to criteria for services and activities for the handicapped and for the disadvantaged.

Prior sections 2335 to 2336 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2335, Pub. L. 88-210, title II, §221, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 777, related to programs for single parents, displaced homemakers, and single pregnant women.

Section 2335a, Pub. L. 88-210, title II, §222, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 778, related to sex equity programs.

Section 2335b, Pub. L. 88-210, title II, §223, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 778, related to competitive award of amounts and evaluation of programs.

Section 2336, Pub. L. 88-210, title II, §225, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 778, related to programs for criminal offenders.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2307, 2324 of this title.

<sup>1</sup> So in original. The period probably should be a semicolon.

## PART B—STATE PROVISIONS

**§ 2341. State administration**(a)<sup>1</sup> ELIGIBLE AGENCY RESPONSIBILITIES.—

(1) IN GENERAL.—The responsibilities of an eligible agency under this subchapter shall include—

(A) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this subchapter, including preparation for non-traditional training and employment;

(B) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this subchapter;

(C) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this subchapter, but not less than four times annually; and

(D) the adoption of such procedures as the eligible agency considers necessary to—

(i) implement State level coordination with the activities undertaken by the State boards under section 2821 of title 29; and

(ii) make available to the service delivery system under section 2841 of title 29 within the State a listing of all school dropout, postsecondary, and adult programs assisted under this subchapter.

(2) EXCEPTION.—Except with respect to the responsibilities set forth in paragraph (1), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, supervision of activities assisted under this subchapter, in whole or in part, to one or more appropriate State agencies.

(Pub. L. 88-210, title I, §121, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3102.)

## PRIOR PROVISIONS

Provisions similar to this section were contained in section 2321(a)(1) of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

Prior sections 2341 to 2341c were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2341, Pub. L. 88-210, title II, §231, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 779; amended Pub. L. 103-382, title III, §391(s)(4), (5), Oct. 20, 1994, 108 Stat. 4025; Pub. L. 104-193, title I, §110(i)(1), Aug. 22, 1996, 110 Stat. 2172, related to distribution of funds to secondary school programs. See section 2351 of this title.

Another prior section 2341, Pub. L. 88-210, title II, §251, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2455; amended Pub. L. 100-418, title VI, §6132, Aug. 23, 1988, 102 Stat. 1511, related to the uses of the portion of a State's allotment available for vocational education program improvement, innovation, and expansion,

prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

Section 2341a, Pub. L. 88-210, title II, §232, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 781; amended Pub. L. 103-208, §4, Dec. 20, 1993, 107 Stat. 2487; Pub. L. 103-382, title III, §351(a)(1), Oct. 20, 1994, 108 Stat. 3966; Pub. L. 104-193, title I, §110(i)(2), Aug. 22, 1996, 110 Stat. 2172, related to distribution of funds to postsecondary and adult programs. See section 2352 of this title.

Section 2341b, Pub. L. 88-210, title II, §233, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 782, related to special rule for minimal allocations. See section 2353 of this title.

Section 2341c, Pub. L. 88-210, title II, §234, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 783, related to reallocations. See section 2353 of this title.

**§ 2342. State plan****(a) State plan****(1) In general**

Each eligible agency desiring assistance under this subchapter for any fiscal year shall prepare and submit to the Secretary a State plan for a 5-year period, together with such annual revisions as the eligible agency determines to be necessary.

**(2) Revisions**

Each eligible agency—

(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and

(B) shall, after the second year of the 5 year State plan, conduct a review of activities assisted under this subchapter and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

**(3) Hearing process**

The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including employers, labor organizations, and parents), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.

**(b) Plan development****(1) In general**

The eligible agency shall develop the State plan in consultation with teachers, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.

**(2) Activities and procedures**

The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

**(c) Plan contents**

The State plan shall include information that—

<sup>1</sup> So in original. No subsec. (b) has been enacted.

(1) describes the vocational and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

(A) the secondary and postsecondary vocational and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality, state-of-the-art technology in vocational and technical education programs;

(B) the criteria that will be used by the eligible agency in approving applications by eligible recipients for funds under this subchapter;

(C) how such programs will prepare vocational and technical education students for opportunities in postsecondary education or entry into high skill, high wage jobs in current and emerging occupations; and

(D) how funds will be used to improve or develop new vocational and technical education courses;

(2) describes how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided;

(3) describes how the eligible agency will actively involve parents, teachers, local businesses (including small- and medium-sized businesses), and labor organizations in the planning, development, implementation, and evaluation of such vocational and technical education programs;

(4) describes how funds received by the eligible agency through the allotment made under section 2321 of this title will be allocated—

(A) among secondary school vocational and technical education, or postsecondary and adult vocational and technical education, or both, including the rationale for such allocation; and

(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

(5) describes how the eligible agency will—

(A) improve the academic and technical skills of students participating in vocational and technical education programs, including strengthening the academic, and vocational and technical, components of vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical, subjects, and provide students with strong experience in, and understanding of, all aspects of an industry; and

(B) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

(6) describes how the eligible agency will annually evaluate the effectiveness of such vocational and technical education programs, and

describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other existing Federal programs;

(7) describes the eligible agency's program strategies for special populations;

(8) describes how individuals who are members of the special populations—

(A) will be provided with equal access to activities assisted under this subchapter;

(B) will not be discriminated against on the basis of their status as members of the special populations; and

(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage careers;

(9) describe what steps the eligible agency shall take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

(10) provides assurances that the eligible agency will comply with the requirements of this subchapter and the provisions of the State plan, including the provision of a financial audit of funds received under this subchapter which may be included as part of an audit of other Federal or State programs;

(11) provides assurances that none of the funds expended under this subchapter will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

(12) describes how the eligible agency will report data relating to students participating in vocational and technical education in order to adequately measure the progress of the students, including special populations;

(13) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

(14) describes how the eligible agency will provide local educational agencies, area vocational and technical education schools, and eligible institutions in the State with technical assistance;

(15) describes how vocational and technical education relates to State and regional occupational opportunities;

(16) describes the methods proposed for the joint planning and coordination of programs carried out under this subchapter with other Federal education programs;

(17) describes how funds will be used to promote preparation for nontraditional training and employment;

(18) describes how funds will be used to serve individuals in State correctional institutions;

(19) describes how funds will be used effectively to link secondary and postsecondary education;

(20) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this subchapter and

the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

(21) contains the description and information specified in sections 2822(b)(8) and 2841(c) of title 29 concerning the provision of services only for postsecondary students and school dropouts.

**(d) Plan option**

The eligible agency may fulfill the requirements of subsection (a) of this section by submitting a plan under section 9271 of this title.

**(e) Plan approval**

**(1) In general**

The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that—

(A) the State plan, or revision, respectively, does not meet the requirements of this section; or

(B) the State's levels of performance on the core indicators of performance consistent with section 2323 of this title are not sufficiently rigorous to meet the purpose of this chapter.

**(2) Disapproval**

The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

**(3) Consultation**

The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult vocational and technical education, postsecondary vocational and technical education, tech-prep education, and secondary vocational and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary vocational and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

**(4) Timeframe**

A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

**(f) Transition**

This section shall be subject to section 2303 of this title for fiscal year 1999 only, with respect to activities under this section.

(Pub. L. 88-210, title I, §122, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3102.)

**PRIOR PROVISIONS**

Provisions similar to this section were contained in section 2323 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2342, Pub. L. 88-210, title II, §235, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 783, related to uses of funds, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 2342, Pub. L. 88-210, title II, §252, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2457, related to criteria for program improvement, innovation, and expansion, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 2323, 2343, 2354 of this title.

**§ 2343. Improvement plans**

**(a) State program improvement plan**

If a State fails to meet the State adjusted levels of performance described in the report submitted under section 2323(c) of this title, the eligible agency shall develop and implement a program improvement plan in consultation with appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under subsection (d) of this section.

**(b) Local evaluation**

Each eligible agency shall evaluate annually, using the State adjusted levels of performance, the vocational and technical education activities of each eligible recipient receiving funds under this subchapter.

**(c) Local improvement plan**

**(1) In general**

If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the State adjusted levels of performance, the eligible agency shall—

(A) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies;

(B) enter into an improvement plan based on the results of the assessment, which plan shall include instructional and other programmatic innovations of demonstrated effectiveness, and where necessary, strategies for appropriate staffing and staff development; and

(C) conduct regular evaluations of the progress being made toward reaching the State adjusted levels of performance.

**(2) Consultation**

The eligible agency shall conduct the activities described in paragraph (1) in consultation with teachers, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

**(d) Sanctions**

**(1) Technical assistance**

If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 2342 of this title, or is not making substantial progress in meeting the purpose of this chap-

ter, based on the State adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this chapter.

**(2) Failure**

If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this subchapter. The Secretary may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

**(3) Funds resulting from reduced allotments**

**(A) In general**

The Secretary shall use funds withheld under paragraph (2), for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purpose of this chapter.

**(B) Redistribution**

If the Secretary cannot satisfactorily use funds withheld under paragraph (2), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (2) shall be redistributed to other eligible agencies in accordance with section 2321 of this title.

(Pub. L. 88-210, title I, §123, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3106.)

**PRIOR PROVISIONS**

Provisions similar to this section were contained in section 2327 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2343, Pub. L. 88-210, title II, §240, as added Pub. L. 101-392, title II, §201, Sept. 25, 1990, 104 Stat. 784, related to local applications, prior to the general amendment of this chapter by Pub. L. 105-332.

**§ 2344. State leadership activities**

**(a) General authority**

From amounts reserved under section 2322(a)(2) of this title, each eligible agency shall conduct State leadership activities.

**(b) Required uses of funds**

The State leadership activities described in subsection (a) of this section shall include—

(1) an assessment of the vocational and technical education programs carried out with funds under this subchapter that includes an assessment of how the needs of special populations are being met and how such programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further learning or for high skill, high wage careers;

(2) developing, improving, or expanding the use of technology in vocational and technical education that may include—

(A) training of vocational and technical education personnel to use state-of-the-art technology, that may include distance learning;

(B) providing vocational and technical education students with the academic, and vocational and technical skills that lead to entry into the high technology and telecommunications field; or

(C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel, that—

(A) will provide inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, effective teaching skills based on research, and effective practices to improve parental and community involvement; and

(B) will help teachers and personnel to assist students in meeting the State adjusted levels of performance established under section 2323 of this title;

(C) will support education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students to ensure that such teachers stay current with the needs, expectations, and methods of industry; and

(D) is integrated with the professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) and title II of the Higher Education Act of 1965 [20 U.S.C. 1021 et seq.];

(4) support for vocational and technical education programs that improve the academic, and vocational and technical skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical components of such vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical subjects;

(5) providing preparation for nontraditional training and employment;

(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, parents, and local partnerships, to enable students to achieve State academic standards, and vocational and technical skills;

(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and



(8) support for programs for special populations that lead to high skill, high wage careers.

**(c) Permissible uses of funds**

The leadership activities described in subsection (a) of this section may include—

- (1) technical assistance for eligible recipients;
- (2) improvement of career guidance and academic counseling programs that assist students in making informed academic, and vocational and technical education decisions;
- (3) establishment of agreements between secondary and postsecondary vocational and technical education programs in order to provide postsecondary education and training opportunities for students participating in such vocational and technical education programs, such as tech-prep programs;
- (4) support for cooperative education;
- (5) support for vocational and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;
- (6) support for public charter schools operating secondary vocational and technical education programs;
- (7) support for vocational and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;
- (8) support for family and consumer sciences programs;
- (9) support for education and business partnerships;
- (10) support to improve or develop new vocational and technical education courses;
- (11) providing vocational and technical education programs for adults and school dropouts to complete their secondary school education; and
- (12) providing assistance to students, who have participated in services and activities under this subchapter, in finding an appropriate job and continuing their education.

**(d) Restriction on uses of funds**

An eligible agency that receives funds under section 2322(a)(2) of this title may not use any of such funds for administrative costs.

(Pub. L. 88-210, title I, §124, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3107.)

**REFERENCES IN TEXT**

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(3)(D), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Title II of the Act is classified generally to subchapter II (§6601 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (b)(3)(D), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title II of the Act is classified generally to subchapter II (§1021 et seq.) of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2322 of this title.

**PART C—LOCAL PROVISIONS**

**§ 2351. Distribution of funds to secondary school programs**

**(a) Distribution for fiscal year 1999**

Except as provided in section 2353 of this title and as otherwise provided in this section, each eligible agency shall distribute the portion of the funds made available under section 2322(a)(1) of this title to carry out this section for fiscal year 1999 to local educational agencies within the State as follows:

**(1) Seventy percent**

From 70 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the amount such local educational agency was allocated under section 6333 of this title for the preceding fiscal year bears to the total amount received under such section by all local educational agencies in the State for such preceding fiscal year.

**(2) Twenty percent**

From 20 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students with disabilities who have individualized education programs under section 1414(d) of this title served by such local educational agency for the preceding fiscal year bears to the total number of such students served by all local educational agencies in the State for such preceding fiscal year.

**(3) Ten percent**

From 10 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 10 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency for the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State for such preceding fiscal year.

**(b) Special distribution rules for succeeding fiscal years**

Except as provided in section 2353 of this title and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 2322(a)(1) of this title to carry out this section for fiscal year 2000 and succeeding fiscal years to local educational agencies within the State as follows:

**(1) 30 percent**

30 percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year.

**(2) 70 percent**

70 percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year.

**(c) Waiver for more equitable distribution**

The Secretary may waive the application of subsection (b) of this section in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42<sup>1</sup> to local educational agencies within the State than the formula described in subsection (b) of this section; and

(2) includes a proposal for such an alternative formula.

**(d) Minimum allocation****(1) In general**

Except as provided in paragraph (2), a local educational agency shall not receive an allocation under subsection (a) of this section unless the amount allocated to such agency under subsection (a) of this section is greater than \$15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

**(2) Waiver**

The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency—

(A)(i) is located in a rural, sparsely populated area, or

(ii) is a public charter school operating secondary vocational and technical education programs; and

(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

**(3) Redistribution**

Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

**(e) Limited jurisdiction agencies****(1) In general**

In applying the provisions of subsection (a) of this section, no eligible agency receiving as-

sistance under this subchapter shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

**(2) Special rule**

The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

**(f) Allocations to area vocational and technical education schools and educational service agencies****(1) In general**

Each eligible agency shall distribute the portion of funds made available under section 2322(a)(1) of this title for any fiscal year by such eligible agency for secondary school vocational and technical education activities under this section to the appropriate area vocational and technical education school or educational service agency in any case in which the area vocational and technical education school or educational service agency, and the local educational agency concerned—

(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

(B) have entered into or will enter into a cooperative arrangement for such purpose.

**(2) Allocation basis**

If an area vocational and technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area vocational and technical education school, the educational service agency, and the local educational agency based on each school, agency or entity's relative share of students who are attending vocational and technical education programs (based, if practicable, on the average enrollment for the preceding 3 years<sup>1</sup>;

**(3) Appeals procedure**

The eligible agency shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area vocational and technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

**(g) Consortium requirements****(1) Alliance**

Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 2355 of this title is encouraged to—

<sup>1</sup> So in original. Probably should be followed by a closing parenthesis.

(A) form a consortium or enter into a cooperative agreement with an area vocational and technical education school or educational service agency offering programs that meet the requirements of section 2355 of this title;

(B) transfer such allocation to the area vocational and technical education school or educational service agency; and

(C) operate programs that are of sufficient size, scope, and quality to be effective.

**(2) Funds to consortium**

Funds allocated to a consortium formed to meet the requirements of this paragraph shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this subchapter. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

**(h) Data**

The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for vocational and technical education programs under subsections (a), (b), (c), and (d) of this section and how these allocations are distributed to local educational agencies, area vocational and technical education schools, and educational service agencies, within the State in accordance with this section.

**(i) Special rule**

Each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

(Pub. L. 88-210, title I, §131, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3109.)

**PRIOR PROVISIONS**

Provisions similar to this section were contained in section 2341 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2351, Pub. L. 88-210, title III, §301, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2457, related to applications by community-based organizations, prior to the general amendment of this chapter by Pub. L. 105-332.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 2302, 2322, 2353 of this title.

**§ 2352. Distribution of funds for postsecondary vocational and technical education programs**

**(a) Allocation**

**(1) In general**

Except as provided in subsections (b) and (c) of this section and section 2353 of this title, each eligible agency shall distribute the portion of the funds made available under section 2322(a)(1) of this title to carry out this section for any fiscal year to eligible institutions or consortia of eligible institutions within the State.

**(2) Formula**

Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under section 2322(a)(1) of this title to carry out this section for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of section 2355 of this title offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the State for such year.

**(3) Consortium requirements**

**(A) In general**

In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

(i) provide services to all postsecondary institutions participating in the consortium; and

(ii) are of sufficient size, scope, and quality to be effective.

**(B) Funds to consortium**

Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and shall be used only for programs authorized under this subchapter. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

**(4) Waiver**

The eligible agency may waive the application of paragraph (3)(A)(i) in any case in which the eligible institution is located in a rural, sparsely populated area.

**(b) Waiver for more equitable distribution**

The Secretary may waive the application of subsection (a) of this section if an eligible agency submits to the Secretary an application for such a waiver that—

(1) demonstrates that the formula described in subsection (a) of this section does not result in a distribution of funds to the eligible institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution; and

(2) includes a proposal for such an alternative formula.

**(c) Minimum grant amount**

**(1) In general**

No institution or consortium shall receive an allocation under this section in an amount that is less than \$50,000.

**(2) Redistribution**

Any amounts that are not distributed by reason of paragraph (1) shall be redistributed

to eligible institutions or consortia in accordance with this section.

(Pub. L. 88-210, title I, §132, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3112.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2341a of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2352, Pub. L. 88-210, title III, §302, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2458; amended Pub. L. 101-392, title III, §301, Sept. 25, 1990, 104 Stat. 786, related to use of funds, prior to the general amendment of this chapter by Pub. L. 105-332.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2302, 2322, 2353 of this title.

### § 2353. Special rules for vocational and technical education

#### (a) Special rule for minimal allocation

##### (1) General authority

Notwithstanding the provisions of sections 2351 and 2352 of this title in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by an eligible agency for distribution under section 2351 or 2352 of this title, such State may distribute such minimal amount for such year—

(A) on a competitive basis; or

(B) through any alternative method determined by the State.

##### (2) Minimal amount

For purposes of this section, the term “minimal amount” means not more than 15 percent of the total amount made available for distribution under section 2322(a)(1) of this title.

#### (b) Redistribution

##### (1) In general

In any academic year that an eligible recipient does not expend all of the amounts the eligible recipient is allocated for such year under section 2351 or 2352 of this title, such eligible recipient shall return any unexpended amounts to the eligible agency to be reallocated under section 2351 or 2352 of this title, as appropriate.

##### (2) Redistribution of amounts returned late in an academic year

In any academic year in which amounts are returned to the eligible agency under section 2351 or 2352 of this title and the eligible agency is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the eligible agency shall retain such amounts for distribution in combination with amounts provided under section 2322(a)(1) of this title for the following academic year.

#### (c) Construction

Nothing in section 2351 or 2352 of this title shall be construed—

(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 2351 of this title, from working

with an eligible institution or consortium thereof that receives assistance under section 2352 of this title, to carry out secondary school vocational and technical education programs in accordance with this subchapter;

(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 2352 of this title, from working with a local educational agency or consortium thereof that receives assistance under section 2351 of this title, to carry out postsecondary and adult vocational and technical education programs in accordance with this subchapter; or

(3) to require a charter school, that provides vocational and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this subchapter unless the charter school is explicitly permitted to do so under the State's charter school statute.

#### (d) Consistent application

For purposes of this section, the eligible agency shall provide funds to charter schools offering vocational and technical education programs in the same manner as the eligible agency provides those funds to other schools. Such vocational and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

(Pub. L. 88-210, title I, §133, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3113.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in sections 2341b and 2341c of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2351, 2352 of this title.

### § 2354. Local plan for vocational and technical education programs

#### (a) Local plan required

Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 2342 of this title.

#### (b) Contents

The eligible agency shall determine requirements for local plans, except that each local plan shall—

(1) describe how the vocational and technical education programs required under section 2355(b) of this title will be carried out with funds received under this subchapter;

(2) describe how the vocational and technical education activities will be carried out with respect to meeting State adjusted levels of performance established under section 2323 of this title;

(3) describe how the eligible recipient will—

(A) improve the academic and technical skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical components of such programs through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical subjects;

(B) provide students with strong experience in and understanding of all aspects of an industry; and

(C) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

(4) describe how parents, students, teachers, representatives of business and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of vocational and technical education programs assisted under this subchapter, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this subchapter;

(5) provide assurances that the eligible recipient will provide a vocational and technical education program that is of such size, scope, and quality to bring about improvement in the quality of vocational and technical education programs;

(6) describe the process that will be used to independently evaluate and continuously improve the performance of the eligible recipient;

(7) describe how the eligible recipient—

(A) will review vocational and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

(B) will provide programs that are designed to enable the special populations to meet the State adjusted levels of performance;

(8) describe how individuals who are members of the special populations will not be discriminated against on the basis of their status as members of the special populations;

(9) describe how funds will be used to promote preparation for nontraditional training and employment; and

(10) describe how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided.

(Pub. L. 88-210, title I, §134, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3114.)

### **§ 2355. Local uses of funds**

#### **(a) General authority**

Each eligible recipient that receives funds under this part shall use such funds to improve vocational and technical education programs.

#### **(b) Requirements for uses of funds**

Funds made available to eligible recipients under this part shall be used to support vocational and technical education programs that—

(1) strengthen the academic, and vocational and technical skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical components of such programs through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical subjects;

(2) provide students with strong experience in and understanding of all aspects of an industry;

(3) develop, improve, or expand the use of technology in vocational and technical education, which may include—

(A) training of vocational and technical education personnel to use state-of-the-art technology, which may include distance learning;

(B) providing vocational and technical education students with the academic, and vocational and technical skills that lead to entry into the high technology and telecommunications field; or

(C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

(4) provide professional development programs to teachers, counselors, and administrators, including—

(A) inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, in effective teaching skills based on research, and in effective practices to improve parental and community involvement;

(B) support of education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

(C) internship programs that provide business experience to teachers; and

(D) programs designed to train teachers specifically in the use and application of technology;

(5) develop and implement evaluations of the vocational and technical education programs carried out with funds under this subchapter, including an assessment of how the needs of special populations are being met;

(6) initiate, improve, expand, and modernize quality vocational and technical education programs;

(7) provide services and activities that are of sufficient size, scope, and quality to be effective; and

(8) link secondary vocational and technical education and postsecondary vocational and technical education, including implementing tech-prep programs.

**(c) Permissive**

Funds made available to an eligible recipient under this subchapter may be used—

- (1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of vocational and technical education programs authorized under this subchapter, including establishing effective programs and procedures to enable informed and effective participation in such programs;
- (2) to provide career guidance and academic counseling for students participating in vocational and technical education programs;
- (3) to provide work-related experience, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to vocational and technical education programs;
- (4) to provide programs for special populations;
- (5) for local education and business partnerships;
- (6) to assist vocational and technical student organizations;
- (7) for mentoring and support services;
- (8) for leasing, purchasing, upgrading or adapting equipment, including instructional aides;
- (9) for teacher preparation programs that assist individuals who are interested in becoming vocational and technical education instructors, including individuals with experience in business and industry;
- (10) for improving or developing new vocational and technical education courses;
- (11) to provide support for family and consumer sciences programs;
- (12) to provide vocational and technical education programs for adults and school dropouts to complete their secondary school education;
- (13) to provide assistance to students who have participated in services and activities under this subchapter in finding an appropriate job and continuing their education;
- (14) to support nontraditional training and employment activities; and
- (15) to support other vocational and technical education activities that are consistent with the purpose of this chapter.

**(d) Administrative costs**

Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.

(Pub. L. 88-210, title I, §135, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3115.)

**PRIOR PROVISIONS**

Prior sections 2361 to 2363 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2361, Pub. L. 88-210, title III, §311, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2458; amended Pub. L. 99-159, title VII, §706(b), Nov. 22, 1985, 99 Stat. 906; Pub. L. 101-392, title III, §302, Sept. 25, 1990, 104 Stat. 786, related to consumer and homemaking education grants.

Section 2362, Pub. L. 88-210, title III, §312, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2458; amended

Pub. L. 99-159, title VII, §706(c), Nov. 22, 1985, 99 Stat. 906; Pub. L. 101-392, title III, §303, Sept. 25, 1990, 104 Stat. 786, related to use of funds from consumer and homemaking education grants.

Section 2363, Pub. L. 88-210, title III, §313, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2459; amended Pub. L. 99-159, title VII, §707, Nov. 22, 1985, 99 Stat. 906; Pub. L. 101-392, title III, §304, Sept. 25, 1990, 104 Stat. 786, related to information dissemination and leadership.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 2322, 2351, 2352, 2354 of this title.

**SUBCHAPTER II—TECH-PREP EDUCATION****SUBCHAPTER REFERRED TO IN OTHER SECTIONS**

This subchapter is referred to in section 2307 of this title.

**§ 2371. Definitions**

(a)<sup>1</sup> In this subchapter:

**(1) Articulation agreement**

The term “articulation agreement” means a written commitment to a program designed to provide students with a nonduplicative sequence of progressive achievement leading to degrees or certificates in a tech-prep education program.

**(2) Community college**

The term “community college”—

(A) means an institution of higher education, as defined in section 1001 of this title, that provides not less than a 2-year program that is acceptable for full credit toward a bachelor’s degree; and

(B) includes tribally controlled colleges or universities.

**(3) Tech-prep program**

The term “tech-prep program” means a program of study that—

(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

(B) integrates academic, and vocational and technical, instruction, and utilizes work-based and worksite learning where appropriate and available;

(C) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, health occupations, business, or applied economics;

(D) builds student competence in mathematics, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics, and integrated instruction, in a coherent sequence of courses;

(E) leads to an associate or a baccalaureate degree or a postsecondary certificate in a specific career field; and

(F) leads to placement in appropriate employment or to further education.

(Pub. L. 88-210, title II, §202, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3117.)

<sup>1</sup> So in original. No subsection (b) has been enacted.

## PRIOR PROVISIONS

Provisions similar to this section were contained in section 2394e of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2371, Pub. L. 88-210, title III, §321, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2459; amended Pub. L. 100-418, title VI, §6131(a)(2), Aug. 23, 1988, 102 Stat. 1509, provided findings and purposes of program, prior to repeal by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 202 of Pub. L. 88-210 was classified to section 2332 of this title, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

## SHORT TITLE

For short title of this subchapter as the “Tech-Prep Education Act”, see section 201 of Pub. L. 88-210, as added by Pub. L. 105-332, set out as a note under section 2301 of this title.

**§ 2372. State allotment and application****(a) In general**

For any fiscal year, the Secretary shall allot the amount made available under section 2375<sup>1</sup> of this title among the States in the same manner as funds are allotted to States under paragraph (2) of section 2321(a) of this title.

**(b) Payments to eligible agencies**

The Secretary shall make a payment in the amount of a State’s allotment under subsection (a) of this section to the eligible agency that serves the State and has an application approved under subsection (c) of this section.

**(c) State application**

Each eligible agency desiring assistance under this subchapter shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(Pub. L. 88-210, title II, §203, as added Pub. L. 105-332, §1(b), Oct. 31, 1990, 112 Stat. 3118.)

## PRIOR PROVISIONS

A prior section 2372, Pub. L. 88-210, title III, §322, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2460; amended Pub. L. 100-418, title VI, §6131(a)(2), Aug. 23, 1988, 102 Stat. 1509; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142, authorized Secretary to make grants and specified uses of funds for program, prior to repeal by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 203 of Pub. L. 88-210 was classified to section 2333 of this title, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2373, 2376 of this title.

**§ 2373. Tech-prep education****(a) Grant program authorized****(1) In general**

From amounts made available to each eligible agency under section 2372 of this title, the eligible agency, in accordance with the provi-

sions of this subchapter, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech-prep education programs described in subsection (c) of this section. The grants shall be awarded to consortia between or among—

(A) a local educational agency, an intermediate educational agency or area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

(B)(i) a nonprofit institution of higher education that offers—

(I) a 2-year associate degree program, or a 2-year certificate program, and is qualified as institutions of higher education pursuant to section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002], including an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and a tribally controlled postsecondary vocational and technical institution; or

(II) a 2-year apprenticeship program that follows secondary instruction,

if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(3) of such Act [20 U.S.C. 1085(a)(3)]; or

(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002], if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

**(2) Special rule**

In addition, a consortium described in paragraph (1) may include 1 or more—

(A) institutions of higher education that award a baccalaureate degree; and

(B) employer or labor organizations.

**(b) Duration**

Each grant recipient shall use amounts provided under the grant to develop and operate a 4- or 6-year tech-prep education program described in subsection (c) of this section.

**(c) Contents of tech-prep program**

Each tech-prep program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

(2) consist of at least 2 years of secondary school preceding graduation and 2 years or more of higher education, or an apprenticeship program of at least 2 years following secondary instruction, with a common core of required proficiency in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate’s degree or a postsecondary certificate in a specific career field;

(3) include the development of tech-prep programs for both secondary and postsecondary,

<sup>1</sup> So in original. Probably should be section “2377”.

including consortium, participants in the consortium that—

(A) meets academic standards developed by the State;

(B) links secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields, including the investigation of opportunities for tech-prep secondary students to enroll concurrently in secondary and postsecondary coursework;

(C) uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry; and

(D) uses educational technology and distance learning, as appropriate, to involve all the consortium partners more fully in the development and operation of programs;

(4) include in-service training for teachers that—

(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;

(B) provides for joint training for teachers in the tech-prep consortium;

(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry;

(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and

(E) provides training in the use and application of technology;

(5) include training programs for counselors designed to enable counselors to more effectively—

(A) provide information to students regarding tech-prep education programs;

(B) support student progress in completing tech-prep programs;

(C) provide information on related employment opportunities;

(D) ensure that such students are placed in appropriate employment; and

(E) stay current with the needs, expectations, and methods of business and all aspects of an industry;

(6) provide equal access, to the full range of technical preparation programs, to individuals who are members of special populations, including the development of tech-prep program services appropriate to the needs of special populations; and

(7) provide for preparatory services that assist participants in tech-prep programs.

**(d) Additional authorized activities**

Each tech-prep program may—

(1) provide for the acquisition of tech-prep program equipment;

(2) acquire technical assistance from State or local entities that have designed, established, and operated tech-prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services and in the articulation process; and

(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs.

(Pub. L. 88-210, title II, §204, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3118.)

REFERENCES IN TEXT

The Tribally Controlled College or University Assistance Act of 1978, referred to in subsec. (a)(1)(B)(i)(I), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, as amended, which is classified principally to chapter 20 (§1801 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 25 and Tables.

The Higher Education Act of 1965, referred to in subsec. (a)(1)(B), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Part B of title IV of the Act is classified generally to part B (§1071 et seq.) of subchapter IV of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 2394a and 2394b of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2373, Pub. L. 88-210, title III, §323, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2461; amended Pub. L. 100-418, title VI, §6131(a)(2), Aug. 23, 1988, 102 Stat. 1509, provided for coordination of program with Job Training Partnership Act, prior to repeal by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 204 of Pub. L. 88-210 was classified to section 2334 of this title, prior to the general amendment of former subchapter II of this chapter by Pub. L. 101-392.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2376 of this title.

**§ 2374. Consortium applications**

**(a) In general**

Each consortium that desires to receive a grant under this subchapter shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall prescribe.

**(b) Plan**

Each application submitted under this section shall contain a 5-year plan for the development and implementation of tech-prep programs under this subchapter, which plan shall be reviewed after the second year of the plan.

**(c) Approval**

The eligible agency shall approve applications based on the potential of the activities described in the application to create an effective tech-prep program.

**(d) Special consideration**

The eligible agency, as appropriate, shall give special consideration to applications that—

(1) provide for effective employment placement activities or the transfer of students to baccalaureate degree programs;

(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;



(3) address effectively the issues of school dropout prevention and reentry and the needs of special populations;

(4) provide education and training in areas or skills in which there are significant workforce shortages, including the information technology industry; and

(5) demonstrate how tech-prep programs will help students meet high academic and employability competencies.

**(e) Equitable distribution of assistance**

In awarding grants under this subchapter, the eligible agency shall ensure an equitable distribution of assistance between urban and rural consortium participants.

(Pub. L. 88-210, title II, §205, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3120.)

**PRIOR PROVISIONS**

Provisions similar to this section were contained in section 2394c of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2376 of this title.

**§ 2375. Report**

Each eligible agency that receives a grant under this subchapter annually shall prepare and submit to the Secretary a report on the effectiveness of the tech-prep programs assisted under this subchapter, including a description of how grants were awarded within the State.

(Pub. L. 88-210, title II, §206, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3120.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 2372, 2376 of this title.

**§ 2376. Demonstration program**

**(a) Demonstration program authorized**

From funds appropriated under subsection (e) of this section for a fiscal year, the Secretary shall award grants to consortia described in section 2373(a) of this title to enable the consortia to carry out tech-prep education programs.

**(b) Program contents**

Each tech-prep program referred to in subsection (a) of this section—

(1) shall—

(A) involve the location of a secondary school on the site of a community college;

(B) involve a business as a member of the consortium; and

(C) require the voluntary participation of secondary school students in the tech-prep education program; and

(2) may provide summer internships at a business for students or teachers.

**(c) Application**

Each consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require.

**(d) Applicability**

The provisions of sections 2372, 2373, 2374, and 2375 of this title shall not apply to this section, except that—

(1) the provisions of section 2373(a) of this title shall apply for purposes of describing consortia eligible to receive assistance under this section;

(2) each tech-prep education program assisted under this section shall meet the requirements of paragraphs (1), (2), (3)(A), (3)(B), (3)(C), (3)(D), (4), (5), (6), and (7) of section 2373(c) of this title, except that such paragraph (3)(B) shall be applied by striking “, and if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields”; and

(3) in awarding grants under this section, the Secretary shall give special consideration to consortia submitting applications under subsection (c) of this section that meet the requirements of paragraphs (1), (3), (4), and (5) of section 2374(d) of this title, except that such paragraph (1) shall be applied by striking “or the transfer of students to baccalaureate degree programs”.

**(e) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

(Pub. L. 88-210, title II, §207, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3121.)

**PRIOR PROVISIONS**

A prior section 2376, Pub. L. 88-210, title III, §326, as added Pub. L. 100-418, title VI, §6131(a)(3), Aug. 23, 1988, 102 Stat. 1509, provided findings and purpose of special program of financial assistance to States to enable them to expand and improve vocational education programs designed to meet current needs for training, retraining, and employment development of adults who had completed or left high school and were preparing to enter or had entered the labor market, including workers who were 55 years of age and older, in order to equip adults with competencies and skills required for productive employment, prior to repeal by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2377 of this title.

**§ 2377. Authorization of appropriations**

There is authorized to be appropriated to carry out this subchapter (other than section 2376 of this title) such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

(Pub. L. 88-210, title II, §208, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3121.)

**PRIOR PROVISIONS**

Prior sections 2377 and 2378 were repealed by Pub. L. 101-392, title III, §305, title VII, §702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

Section 2377, Pub. L. 88-210, title III, §327, as added Pub. L. 100-418, title VI, §6131(a)(3), Aug. 23, 1988, 102 Stat. 1509; amended Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142, authorized giving of grants and uses of funds in connection with special program.

Section 2378, Pub. L. 88-210, title III, §328, as added Pub. L. 100-418, title VI, §6131(a)(3), Aug. 23, 1988, 102 Stat. 1510, provided for coordination of special program with Job Training Partnership Act.

Prior sections 2381 to 2383 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2381, Pub. L. 88-210, title III, §321, formerly §331, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2462; renumbered §321, Pub. L. 101-392, title III, §306(a)(2), Sept. 25, 1990, 104 Stat. 786, related to grants for career guidance and counseling.

Section 2382, Pub. L. 88-210, title III, §322, formerly §332, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2462; renumbered §322 and amended Pub. L. 101-392, title III, §306(a)(2), (c), Sept. 25, 1990, 104 Stat. 786, 787, related to use of funds from career guidance and counseling grants.

Section 2383, Pub. L. 88-210, title III, §323, formerly §333, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2463; amended Pub. L. 99-159, title VII, §708, Nov. 22, 1985, 99 Stat. 906; renumbered §323, Pub. L. 101-392, title III, §306(a)(2), Sept. 25, 1990, 104 Stat. 786, related to information dissemination and leadership.

## SUBCHAPTER III—GENERAL PROVISIONS

### PART A—FEDERAL ADMINISTRATIVE PROVISIONS

#### § 2391. Fiscal requirements

##### (a) Supplement not supplant

Funds made available under this chapter for vocational and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out vocational and technical education activities and tech-prep activities.

##### (b) Maintenance of effort

###### (1) Determination

###### (A) In general

Except as provided in subparagraphs (B) and (C), no payments shall be made under this chapter for any fiscal year to a State for vocational and technical education programs or tech-prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for vocational and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for vocational and technical education programs, for the second fiscal year preceding the fiscal year for which the determination is made.

###### (B) Computation

In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

###### (C) Decrease in Federal support

If the amount made available for vocational and technical education programs under this chapter for a fiscal year is less than the amount made available for vocational and technical education programs under this chapter for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (B) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

###### (2) Waiver

The Secretary may waive the requirements of this section, with respect to not more than

5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

(Pub. L. 88-210, title III, §311, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3121.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2463 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2391, Pub. L. 88-210, title III, §331, formerly §341, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2463; renumbered §331 and amended Pub. L. 101-392, title III, §307(a)(2), (c), Sept. 25, 1990, 104 Stat. 787, stated findings of Congress, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 311 of Pub. L. 88-210 was classified to section 2361 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

#### § 2392. Authority to make payments

Any authority to make payments or to enter into contracts under this chapter shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 88-210, title III, §312, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3122.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2466 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 2392, Pub. L. 88-210, title III, §332, formerly §342, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2464; amended Pub. L. 99-159, title VII, §709, Nov. 22, 1985, 99 Stat. 906; renumbered §332 and amended Pub. L. 101-392, title III, §307(a)(2), (d), Sept. 25, 1990, 104 Stat. 787, authorized business-labor-education partnership training grants, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 312 of Pub. L. 88-210 was classified to section 2362 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

#### § 2393. Construction

Nothing in this chapter shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this chapter.

(Pub. L. 88-210, title III, §313, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3122.)

#### PRIOR PROVISIONS

A prior section 2393, Pub. L. 88-210, title III, §333, formerly §343, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98

Stat. 2465; amended Pub. L. 100-418, title VI, §6134(a), Aug. 23, 1988, 102 Stat. 1512; renumbered §333, Pub. L. 101-392, title III, §307(a)(2), Sept. 25, 1990, 104 Stat. 787, related to use of grant funds, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 313 of Pub. L. 88-210 was classified to section 2363 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

### § 2394. Voluntary selection and participation

No funds made available under this chapter shall be used—

(1) to require any secondary school student to choose or pursue a specific career path or major; and

(2) to mandate that any individual participate in a vocational and technical education program, including a vocational and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery.

(Pub. L. 88-210, title III, §314, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123.)

#### PRIOR PROVISIONS

Prior sections 2394 to 2394e were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2394, Pub. L. 88-210, title III, §342, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 789, stated findings and purpose of Congress.

Section 2394a, Pub. L. 88-210, title III, §343, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 789; amended Pub. L. 102-103, title III, §315, Aug. 17, 1991, 105 Stat. 508, authorized grants for tech-prep education programs. See section 2373 of this title.

Section 2394b, Pub. L. 88-210, title III, §344, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 790; amended Pub. L. 103-239, title VII, §711(a), May 4, 1994, 108 Stat. 606, related to use of grant funds. See section 2373 of this title.

Section 2394c, Pub. L. 88-210, title III, §345, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 791; amended Pub. L. 103-239, title VII, §711(b), May 4, 1994, 108 Stat. 606, related to applications for grants. See section 2374 of this title.

Section 2394d, Pub. L. 88-210, title III, §346, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 792, related to reports.

Section 2394e, Pub. L. 88-210, title III, §347, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 792; amended Pub. L. 105-244, title I, §102(a)(6)(E), Oct. 7, 1998, 112 Stat. 1618, defined terms for purposes of tech-prep education grant program. See section 2371 of this title.

#### SHORT TITLE

Pub. L. 88-210, title III, §341, as added by Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 788, which provided that part E of title III of Pub. L. 88-210, enacting part E (§2394 et seq.) of former subchapter III of this chapter, could be cited as the “Tech-Prep Education Act”, was omitted in the general amendment of Pub. L. 88-210 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

### § 2395. Limitation for certain students

No funds received under this chapter may be used to provide vocational and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this chapter may be used by such students.

(Pub. L. 88-210, title III, §315, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123.)

#### PRIOR PROVISIONS

Prior sections 2395 to 2395e were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2395, Pub. L. 88-210, title III, §351, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 792, stated purpose of supplementary State grant program.

Section 2395a, Pub. L. 88-210, title III, §352, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to allotment to States.

Section 2395b, Pub. L. 88-210, title III, §353, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to allocations to local educational agencies.

Section 2395c, Pub. L. 88-210, title III, §354, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to use of grant funds.

Section 2395d, Pub. L. 88-210, title III, §355, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to State applications for grants.

Section 2395e, Pub. L. 88-210, title III, §356, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 794, related to local applications for grants.

### § 2396. Federal laws guaranteeing civil rights

Nothing in this chapter shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.

(Pub. L. 88-210, title III, §316, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2466c of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

Prior sections 2396 to 2396m were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2396, Pub. L. 88-210, title III, §362, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, stated purpose of community education employment centers and vocational education lighthouse schools program.

Section 2396a, Pub. L. 88-210, title III, §363, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, authorized grants to establish and operate community education employment centers.

Section 2396b, Pub. L. 88-210, title III, §364, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, related to program requirements.

Section 2396c, Pub. L. 88-210, title III, §365, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 795, related to support services requirements.

Section 2396d, Pub. L. 88-210, title III, §366, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 796, related to parental and community participation.

Section 2396e, Pub. L. 88-210, title III, §367, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 797, related to employment and training of professional staff.

Section 2396f, Pub. L. 88-210, title III, §368, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 797, related to eligibility for grants.

Section 2396g, Pub. L. 88-210, title III, §369, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 797, related to applications to participate in grant program.

Section 2396h, Pub. L. 88-210, title III, §370, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 798; amended Pub. L. 104-66, title I, §1041(d), Dec. 21, 1995, 109 Stat. 714, related to evaluation of student learning progress.

Section 2396i, Pub. L. 88-210, title III, §371, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 798, defined terms “eligible recipient” and “parent”.

Section 2396m, Pub. L. 88-210, title III, §375, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat.

798, authorized grants to establish and operate vocational education lighthouse schools.

#### SHORT TITLE

Pub. L. 88-210, title III, §361, as added by Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, which provided that part G of title III of Pub. L. 88-210, enacting part G (§2396 et seq.) of former subchapter III of this chapter, could be cited as the “Community Education Employment Center Act of 1990”, was omitted in the general amendment of Pub. L. 88-210 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

#### § 2397. Authorization of Secretary

For the purposes of increasing and expanding the use of technology in vocational and technical education instruction, including the training of vocational and technical education personnel as provided in this chapter, the Secretary is authorized to receive and use funds collected by the Federal Government from fees for the use of property, rights-of-way, and easements under the control of Federal departments and agencies for the placement of telecommunications services that are dependent, in whole or in part, upon the utilization of general spectrum rights for the transmission or reception of such services.

(Pub. L. 88-210, title III, §317, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123.)

#### PRIOR PROVISIONS

Prior sections 2397 to 2397h were omitted in the general amendment of this chapter by Pub. L. 105-332. See section 2327 of this title.

Section 2397, Pub. L. 88-210, title III, §382, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, stated purpose of program to assist tribally controlled postsecondary vocational institutions.

Section 2397a, Pub. L. 88-210, title III, §383, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, authorized grants to tribally controlled postsecondary vocational institutions.

Section 2397b, Pub. L. 88-210, title III, §384, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, related to eligible grant recipients.

Section 2397c, Pub. L. 88-210, title III, §385, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, related to applications for grants, consultation, and use of grants.

Section 2397d, Pub. L. 88-210, title III, §386, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 801, related to amount of grants.

Section 2397e, Pub. L. 88-210, title III, §387, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 802, related to effect of grant receipt on eligibility under other programs.

Section 2397f, Pub. L. 88-210, title III, §388, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 802, related to grant adjustments.

Section 2397g, Pub. L. 88-210, title III, §389, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 803, related to report on facilities and facilities improvement.

Section 2397h, Pub. L. 88-210, title III, §390, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 803, defined terms for purposes of tribally controlled postsecondary vocational institutions grant program.

#### SHORT TITLE

Pub. L. 88-210, title III, §381, as added by Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 799, which provided that part H of title III of Pub. L. 88-210, enacting part H (§2397 et seq.) of former subchapter III of this chapter, could be cited as the “Tribally Controlled Vocational Institutions Support Act of 1990”, was omitted in the general amendment of Pub. L. 88-210 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

ted in the general amendment of Pub. L. 88-210 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

#### § 2398. Participation of private school personnel

An eligible agency or eligible recipient that uses funds under this chapter for inservice and preservice vocational and technical education professional development programs for vocational and technical education teachers, administrators, and other personnel may, upon request, permit the participation in such programs of vocational and technical education teachers, administrators, and other personnel in nonprofit private schools offering vocational and technical education programs located in the geographical area served by such agency or recipient.

(Pub. L. 88-210, title III, §318, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123.)

#### PRIOR PROVISIONS

Prior sections 2401 to 2404 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2401, Pub. L. 88-210, title IV, §401, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2466; amended Pub. L. 101-392, title IV, §402, Sept. 25, 1990, 104 Stat. 806, related to research objectives.

Section 2402, Pub. L. 88-210, title IV, §402, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2466; amended Pub. L. 101-392, title IV, §403, Sept. 25, 1990, 104 Stat. 806, related to research activities.

Section 2403, Pub. L. 88-210, title IV, §403, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2467; amended Pub. L. 101-392, title IV, §404, Sept. 25, 1990, 104 Stat. 807, related to national assessment of vocational education programs.

Section 2404, Pub. L. 88-210, title IV, §404, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2468; amended Pub. L. 101-392, title IV, §405, Sept. 25, 1990, 104 Stat. 809; Pub. L. 103-382, title III, §351(a)(2), Oct. 20, 1994, 108 Stat. 3966, related to National Center or Centers for Research in Vocational Education.

#### PART B—STATE ADMINISTRATIVE PROVISIONS

#### § 2411. Joint funding

##### (a) General authority

Funds made available to eligible agencies under this chapter may be used to provide additional funds under an applicable program if—

(1) such program otherwise meets the requirements of this chapter and the requirements of the applicable program;

(2) such program serves the same individuals that are served under this chapter;

(3) such program provides services in a coordinated manner with services provided under this chapter; and

(4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.

##### (b) Applicable program

For the purposes of this section, the term “applicable program” means any program under any of the following provisions of law:

(1) Chapters 4 and 5 of subtitle B of title I of Public Law 105-220 [29 U.S.C. 2851 et seq., 2861 et seq.].

(2) The Wagner-Peyser Act [29 U.S.C. 49 et seq.].

##### (c) Use of funds as matching funds

For the purposes of this section, the term “additional funds” does not include funds used as matching funds.

(Pub. L. 88–210, title III, §321, as added Pub. L. 105–332, §1(b), Oct. 31, 1998, 112 Stat. 3123.)

#### REFERENCES IN TEXT

Public Law 105–220, referred to in subsec. (b)(1), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, known as the Workforce Investment Act of 1998. Chapters 4 and 5 of subtitle B of title I of the Act are classified generally to parts D (§2851 et seq.) and E (§2861 et seq.), respectively, of subchapter II of chapter 30 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Wagner-Peyser Act, referred to in subsec. (b)(2), is act June 6, 1933, ch. 49, 48 Stat. 113, as amended, which is classified generally to chapter 4B (§49 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 49 of Title 29 and Tables.

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2468 of this title, prior to the general amendment of this chapter by Pub. L. 105–332.

A prior section 2411, Pub. L. 88–210, title IV, §411, as added Pub. L. 101–392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 812, authorized grants for demonstration programs, prior to the general amendment of this chapter by Pub. L. 105–332.

Another prior section 2411, Pub. L. 88–210, title IV, §411, as added Pub. L. 98–524, §1, Oct. 19, 1984, 98 Stat. 2470, related to programs and projects Secretary was authorized to carry out from available funds, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101–392.

A prior section 321 of Pub. L. 88–210 was classified to section 2381 of this title, prior to the general amendment of this chapter by Pub. L. 105–332.

Another prior section 321 of Pub. L. 88–210 was classified to section 2371 of this title, prior to repeal by Pub. L. 101–392.

### § 2412. Prohibition on use of funds to induce out-of-State relocation of businesses

No funds provided under this chapter shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

(Pub. L. 88–210, title III, §322, as added Pub. L. 105–332, §1(b), Oct. 31, 1998, 112 Stat. 3124.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2468c of this title, prior to the general amendment of this chapter by Pub. L. 105–332.

A prior section 2412, Pub. L. 88–210, title IV, §412, as added Pub. L. 101–392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 812, authorized grants for development, production, and distribution of instructional telecommunications materials and services, prior to the general amendment of this chapter by Pub. L. 105–332.

A prior section 322 of Pub. L. 88–210 was classified to section 2382 of this title, prior to the general amendment of this chapter by Pub. L. 105–332.

Another prior section 322 of Pub. L. 88–210 was classified to section 2372 of this title, prior to repeal by Pub. L. 101–392.

### § 2413. State administrative costs

#### (a) General rule

Except as provided in subsection (b) of this section, for each fiscal year for which an eligible

agency receives assistance under this chapter, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this chapter an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

#### (b) Exception

If the amount made available for administration of programs under this chapter for a fiscal year is less than the amount made available for administration of programs under this chapter for the preceding fiscal year, the amount the eligible agency is required to provide from non-Federal sources for costs the eligible agency incurs for administration of programs under this chapter shall be the same percentage as the amount made available for administration of programs under this chapter.

(Pub. L. 88–210, title III, §323, as added Pub. L. 105–332, §1(b), Oct. 31, 1998, 112 Stat. 3124.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 2468d of this title, prior to the general amendment of this chapter by Pub. L. 105–332.

A prior section 2413, Pub. L. 88–210, title IV, §413, as added Pub. L. 101–392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 813, authorized establishment of demonstration centers for training of dislocated workers, prior to the general amendment of this chapter by Pub. L. 105–332.

Another prior section 2413, Pub. L. 88–210, title IV, §413, as added Pub. L. 98–524, §1, Oct. 19, 1984, 98 Stat. 2471, related to program of competitive grants to State boards for State programs involving loan of high-technology, state-of-the-art equipment to eligible recipients for use in local vocational education programs, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101–392.

A prior section 323 of Pub. L. 88–210 was classified to section 2383 of this title, prior to the general amendment of this chapter by Pub. L. 105–332.

Another prior section 323 of Pub. L. 88–210 was classified to section 2373 of this title, prior to repeal by Pub. L. 101–392.

### § 2414. Limitation on Federal regulations

The Secretary may issue regulations under this chapter only to the extent necessary to administer and ensure compliance with the specific requirements of this chapter.

(Pub. L. 88–210, title III, §324, as added Pub. L. 105–332, §1(b), Oct. 31, 1998, 112 Stat. 3124.)

#### PRIOR PROVISIONS

A prior section 2414, Pub. L. 88–210, title IV, §414, as added Pub. L. 101–392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 813, authorized grants for professional development, prior to the general amendment of this chapter by Pub. L. 105–332.

### § 2415. Student assistance and other Federal programs

#### (a) Attendance costs not treated as income or resources

The portion of any student financial assistance received under this chapter that is made available for attendance costs described in subsection (b) of this section shall not be considered as income or resources in determining eligi-

bility for assistance under any other program funded in whole or in part with Federal funds.

**(b) Attendance costs**

The attendance costs described in this subsection are—

(1) tuition and fees normally assessed a student carrying an academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in that course of study; and

(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

**(c) Costs of vocational and technical education services**

Funds made available under this chapter may be used to pay for the costs of vocational and technical education services required in an individualized education plan developed pursuant to section 1414(d) of this title and services necessary to meet the requirements of section 794 of title 29 with respect to ensuring equal access to vocational and technical education.

(Pub. L. 88-210, title III, §325, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3124.)

**PRIOR PROVISIONS**

Provisions similar to this section were contained in section 2466d of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

Prior sections 2415 to 2424 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2415, Pub. L. 88-210, title IV, §415, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 817, related to Blue Ribbon Vocational Education Programs.

Another prior section 2415, Pub. L. 88-210, title IV, §415, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2471, related to establishment by Secretary of demonstration centers for retraining of dislocated workers, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101-392.

Section 2416, Pub. L. 88-210, title IV, §416, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 818, related to development of business and education standards.

Section 2417, Pub. L. 88-210, title IV, §417, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 818, related to educational programs for Federal correctional institutions.

Another prior section 2417, Pub. L. 88-210, title IV, §417, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2471; amended Pub. L. 99-159, title VII, §710, Nov. 22, 1985, 99 Stat. 907, related to establishment of grant program to establish and operate model centers for vocational education for older individuals, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101-392.

Section 2418, Pub. L. 88-210, title IV, §418, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 819, related to dropout prevention.

Section 2419, Pub. L. 88-210, title IV, §419, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 819, related to model programs of regional training for skilled trades.

Section 2420, Pub. L. 88-210, title IV, §420, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 820; amended Pub. L. 103-382, title III, §391(s)(6), Oct. 20, 1994, 108 Stat. 4025, related to demonstration projects for integration of vocational and academic learning.

Section 2420a, Pub. L. 88-210, title IV, §420A, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 820, related to cooperative demonstration programs.

Section 2421, Pub. L. 88-210, title IV, §421, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2472; amended Pub. L. 101-392, title IV, §407, Sept. 25, 1990, 104 Stat. 822; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-227, title X, §1021, Mar. 31, 1994, 108 Stat. 269, authorized vocational education and occupational information data systems.

Section 2422, Pub. L. 88-210, title IV, §422, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2473; amended Pub. L. 101-392, title IV, §408, Sept. 25, 1990, 104 Stat. 825; Pub. L. 103-227, title IX, §991, Mar. 31, 1994, 108 Stat. 264, related to National Occupational Information Coordinating Committee.

Section 2423, Pub. L. 88-210, title IV, §423, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2474; amended Pub. L. 101-392, title IV, §409, Sept. 25, 1990, 104 Stat. 827, related to information base for vocational education data system.

Section 2424, Pub. L. 88-210, title IV, §424, as added Pub. L. 101-392, title IV, §410, Sept. 25, 1990, 104 Stat. 829, related to collection of information at reasonable cost and cooperation of States.

A prior section 2431, Pub. L. 88-210, title IV, §431, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2474, established National Council on Vocational Education, prior to repeal by Pub. L. 101-392, title IV, §411(a), (c), Sept. 25, 1990, 104 Stat. 829, effective Oct. 1, 1991.

Prior sections 2441 to 2461 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2441, Pub. L. 88-210, title IV, §441, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2477; amended Pub. L. 104-66, title I, §1041(h), Dec. 21, 1995, 109 Stat. 715, authorized grants for bilingual vocational training.

Section 2451, Pub. L. 88-210, title IV, §451, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2479; amended Pub. L. 101-392, title IV, §412, Sept. 25, 1990, 104 Stat. 829, related to distribution of assistance.

Section 2461, Pub. L. 88-210, title V, §501, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2479, related to Federal payments to States.

A prior section 2462, Pub. L. 88-210, title V, §502, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2479; amended Pub. L. 99-159, title VII, §711, Nov. 22, 1985, 99 Stat. 907, related to Federal share of, and non-Federal contributions for, costs of vocational education programs, prior to repeal by Pub. L. 101-392, title V, §501(a)(1), title VII, §702(a), Sept. 25, 1990, 104 Stat. 830, 843, effective July 1, 1991.

A prior section 2463, Pub. L. 88-210, title V, §502, formerly §503, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2480; renumbered §502 and amended Pub. L. 101-392, title V, §501(a)(2), (b), Sept. 25, 1990, 104 Stat. 830, related to maintenance of effort, prior to the general amendment of this chapter by Pub. L. 105-332. See section 2391 of this title.

Prior sections 2464 and 2465 were repealed by Pub. L. 101-392, title V, §501(a)(1), title VII, §702(a), Sept. 25, 1990, 104 Stat. 830, 843, effective July 1, 1991.

Section 2464, Pub. L. 88-210, title V, §504, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2480; amended Pub. L. 99-159, title VII, §713(a)(3), Nov. 22, 1985, 99 Stat. 907, related to withholding of payments and judicial review of such action.

Section 2465, Pub. L. 88-210, title V, §505, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2482, required States to conduct biennial audits.

Prior sections 2466 to 2471 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2466, Pub. L. 88-210, title V, §503, formerly §506, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2482; renumbered §503, Pub. L. 101-392, title V, §501(a)(2), Sept. 25, 1990, 104 Stat. 830, related to authority to make payments. See section 2392 of this title.

Section 2466a, Pub. L. 88-210, title V, §504, as added Pub. L. 101-392, title V, §501(c)(2), Sept. 25, 1990, 104 Stat. 830; amended Pub. L. 103-382, title II, §261(i)(1), Oct. 20, 1994, 108 Stat. 3929, related to regional meetings and negotiated rulemaking.

Section 2466b, Pub. L. 88-210, title V, §505, as added Pub. L. 101-392, title V, §501(c)(2), Sept. 25, 1990, 104

Stat. 831, contained requirements relating to reports, plans, and regulations.

Section 2466c, Pub. L. 88-210, title V, § 506, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 831, provided for consistency of this chapter with Federal laws guaranteeing civil rights. See section 2396 of this title.

Section 2466d, Pub. L. 88-210, title V, § 507, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 831, related to student assistance and other Federal programs. See section 2415 of this title.

Section 2466e, Pub. L. 88-210, title V, § 508, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 831, related to Federal monitoring of compliance with this chapter.

Section 2468, Pub. L. 88-210, title V, § 511, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 832, related to use of funds for joint funding of programs. See section 2411 of this title.

Section 2468a, Pub. L. 88-210, title V, § 512, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 832, related to review of regulations.

Section 2468b, Pub. L. 88-210, title V, § 513, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 833, related to identification of State-imposed requirements.

Section 2468c, Pub. L. 88-210, title V, § 514, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 833, prohibited use of funds to induce out-of-State relocation of businesses. See section 2412 of this title.

Section 2468d, Pub. L. 88-210, title V, § 515, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 833, related to State administrative costs. See section 2413 of this title.

Section 2468e, Pub. L. 88-210, title V, § 516, as added Pub. L. 101-392, title V, § 501(c)(2), Sept. 25, 1990, 104 Stat. 833, contained additional administrative provisions.

Section 2471, Pub. L. 88-210, title V, § 521, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2482; amended Pub. L. 99-159, title VII, § 713(a)(4), Nov. 22, 1985, 99 Stat. 907; Pub. L. 101-392, title V, § 502, Sept. 25, 1990, 104 Stat. 834; Pub. L. 103-382, title III, § 391(s)(7), (8), Oct. 20, 1994, 108 Stat. 4025; Pub. L. 104-193, title I, § 110(i)(3), Aug. 22, 1996, 110 Stat. 2172, defined terms for purposes of this chapter. See section 2302 of this title.

## CHAPTER 45—CAREER EDUCATION AND CAREER DEVELOPMENT

### SUBCHAPTER I—CAREER EDUCATION AND DEVELOPMENT PROGRAMS AND ACTIVITIES

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### SUBCHAPTER I—CAREER EDUCATION AND DEVELOPMENT PROGRAMS AND ACTIVITIES

#### § 2501. Statement of purpose

It is the purpose of this subchapter to provide Federal assistance to States to enable them to plan for the development of career education and career development programs and activities for individuals of all ages, and to plan for the improvement of existing programs and activities, in the areas of awareness, exploration, planning, and decisionmaking of individuals served with regard to career opportunities and career development throughout the lifetimes of such individuals, through—

(1) planning for the development of information on the needs for career education and career development for all individuals;

(2) planning for the promotion of a national dialogue on career education and career development designed to encourage each State and local educational agency to determine and adopt the approach best suited to the needs of the individuals served by each such agency;

(3) planning for the assessment of the status of career education and career development programs and practices, including a reassessment of the stereotyping of career opportunities by race or by sex;

(4) planning for the demonstration of the best of the current career education and career development programs and practices by planning to develop and test exemplary programs and practices using various theories, concepts, and approaches with respect to career education and through planning for a nationwide system of regional career education centers;

(5) planning for the training and retraining of persons for conducting career education and career development programs; and